

**SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING**

September 30, 1997
ANS/ANB Hall
Yakutat, Alaska

VOLUME I

COUNCIL MEMBERS PRESENT:

Mr. William C. Thomas, Chairman
Ms. Dolly Garza
Mr. Herman Kitka, Sr.
Ms. Mim McConnell
Ms. Patricia Phillips
Ms. Mary Rudolph
Mr. John F. Feller, Jr.
Mr. John F. Vale
Mr. Gabriel George
Ms. Marilyn R. Wilson
Mr. Jeff Nickerson

Regional Council Coordinator:

Fred Clark

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P R O C E E D I N G S

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CHAIRMAN THOMAS: We'll call this meeting to order and I have an acting secretary that will declare a quorum for now. Our secretary is lost between Hydaburg and Yakutat, so bear with us. She's not really setup to do roll call, but maybe we could try it.

MS. GARZA: Patricia Phillips.

MS. PHILLIPS: Here.

MS. GARZA: Jeff Nickerson.

MR. NICKERSON: Here.

MS. GARZA: Mary Rudolph.

MS. RUDOLPH: Here.

MS. GARZA: Herman Kitka.

MR. KITKA: Here.

MS. GARZA: Bill Thomas.

CHAIRMAN THOMAS: Here.

MS. GARZA: John Vale.

MR. VALE: Here.

MS. GARZA: Mim Bartels.

MS. McCONNELL: Yeah, McConnell. Here.

MS. GARZA: Marilyn.

MS. WILSON: Here.

MS. GARZA: John Feller.

MR. FELLER: Here.

MS. GARZA: Mr. Gabriel George.

MR. GEORGE: Right here.

MS. GARZA: We have 11 of the 13 Council members.

1 CHAIRMAN THOMAS: Don't pay any attention to the
2 quibbling over the names. Thank you, Dolly. We do have a
3 quorum. And at this time we'd like to take the opportunity to
4 welcome all of you here, thank you for taking the time to be
5 here. I want to thank the community of Yakutat for hosting
6 this meeting. We hope that our deliberations and the direction
7 we go will be satisfactory and supportive of some of the views
8 that you folks have. Hopefully, you'll have a better
9 understanding of what the Federal Subsistence management is
10 about. I want to also welcome the different agencies that took
11 the time to be here, we're always glad to see you. As this
12 process goes forward, we'll be coming to the point where we
13 interact with more productivity and lay aside some of the mess
14 and ills that we've had prior to this, which is a plus for this
15 program and the State program.

16
17 I would like to invite now, if there's a member from
18 the community that would like to take some comments to welcome
19 our visitors or to give us some of your comments before we
20 start. Anybody from the community to make an introduction.
21 George.

22
23 MR. RAMOS: Mr. Chairman, members of the Board, on
24 behalf of the Alaska Native Brotherhood and Alaska Native
25 Sisterhood, we would like to welcome to you to our small
26 community.

27
28 The place you're sitting at right now built in 1930 and
29 every time I come in here I am reminded of what our forefathers
30 went through in order to setup an organization for the
31 generations to come. Each one of those beams up there are
32 chopped by hand. How many strikes of an ax did it take to make
33 one beam, the rafters on top, the beams on the side, the ones
34 underneath. They were thinking ahead of the generations that
35 are going to come behind us, and I see that this is one of the
36 main things I believe that you are gathered here. So we would
37 like to ask, if it's okay with you, like we start our meetings
38 in the Alaska Native Brotherhood and Sisterhood with a prayer,
39 Mr. Chairman, and I would like to ask our elder, Mary James, at
40 this time to pray for us.

41
42 MS. JAMES: All join hands. I'm going to pray with my
43 own language.

44
45 (Prayer In Native Language)

46
47 Oh God, thank you, Jesus, wonderful savior, my Lord,
48 Thank you Jesus. Amen.

49

MR. RAMOS: Thank you. And with that, we hope you have

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1 a very successful meeting, and if you need any help call on us.
2 Thank you.

3
4 CHAIRMAN THOMAS: Thank you, George.

5
6 (Applause)

7
8 CHAIRMAN THOMAS: We couldn't find a subsistence
9 community so we chose Yakutat to see how that would work.
10 Okay, you folks received your packets in the mail months ago
11 and had a chance to review the minutes. Do I have anybody that
12 wishes to adopt the minutes or amend them?

13
14 Before that, what about the agenda?

15
16 MR. CLARK: Mr. Chairman.

17
18 CHAIRMAN THOMAS: Fred.

19
20 MR. CLARK: Mr. Chairman, I think it would be good if
21 anybody in the audience who was planning on making
22 presentations to let the Council know if they can't be here for
23 the entire period. If you need to make presentations to the
24 Council before the second day or before the third day, now's
25 the time to let us know so we can get it into the agenda right
26 now.

27
28 CHAIRMAN THOMAS: Somebody had their hand up.
29 Elizabeth.

30
31 MS. ANDREWS: Mr. Chairman, is this the time you want
32 to make changes for agency presentations?

33
34 CHAIRMAN THOMAS: No. For agency presentations? Do
35 you have changes you wanted to make?

36
37 MS. ANDREWS: Yes, Mr. Chairman. My name is Elizabeth
38 Andrews, Alaska Department of Fish and Game. We do have one
39 Staff member from wildlife conservation who won't be coming
40 until tomorrow. And I know that he wants to give a short oral
41 report to the Council after he gets here and he's coming in on
42 that 11:30 flight.

43
44 CHAIRMAN THOMAS: For something like that, we can
45 adjust our agenda to fit that.

46
47 MS. ANDREWS: Thank you, Mr. Chairman.

48
49 CHAIRMAN THOMAS: Thank you. Walter. Is this towards

50 the agenda?

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1 MR. JOHNSON: Mr. Chairman, if subsistence is on the
2 agenda, that's what I would like to speak on.

3
4 CHAIRMAN THOMAS: Okay. As soon as we adopt the
5 minutes, I'm going to make time for your presentation.

6
7 MR. JOHNSON: Okay.

8
9 CHAIRMAN THOMAS: Okay.

10
11 MR. JOHNSON: Sounds good.

12
13 CHAIRMAN THOMAS: What's the wish for the agenda?

14
15 MS. GARZA: Mr. Chairman, I would move that we adopt
16 the agenda as a guide.

17
18 CHAIRMAN THOMAS: You heard the motion, is there a
19 second?

20
21 MS. WILSON: Mr. Chairman, I second that.

22
23 CHAIRMAN THOMAS: It's moved and seconded. Discussion.
24 John.

25
26 MR. VALE: Mr. Chairman, Item 6(A)(4) report from the
27 Wrangell-St. Elias Subsistence Resource Commission. I'm going
28 to give that. Because came here at the last minute, I'm not
29 prepared today, so if we get there before the end of the day
30 I'd like to postpone that until tomorrow if that's all right?

31
32 CHAIRMAN THOMAS: 6(A)?

33
34 MR. VALE: 6(A)(4).

35
36 CHAIRMAN THOMAS: Okay, thank you.

37
38 MR. VALE: Yeah, I'm not prepared today, but I can do
39 that tomorrow.

40
41 CHAIRMAN THOMAS: Tomorrow, okay. Thank you. Anything
42 else? As long as we're using this as a guide we can make these
43 changes as we go. Further discussion.

44
45 MS. WILSON: Question.

46
47 CHAIRMAN THOMAS: Question's been called. All those in
48 favor say aye.

49

1 CHAIRMAN THOMAS: Those opposed same sign.

2
3 (No opposing responses)

4
5 CHAIRMAN THOMAS: That motion carries. We've had a
6 request for a comment to be made at this time. They're unique
7 in nature because we haven't discussed any of our issue points
8 of our agenda, however, the setting of this whole process is to
9 do with subsistence and Mr. Johnson has submitted a request,
10 and we're going to allow Mr. Johnson to make his comments.
11 Anytime you're ready, Walt.

12
13 MR. JOHNSON: Thank you, Mr. Chairman. Before I get
14 into my presentation, I'd like to give a little explanation.
15 It seems like everybody in Yakutat comes to me for subsistence
16 and they all go out with my information and I'm never able to
17 go to any of the meetings, and so far I haven't been able to
18 testify at any of the subsistence hearings, so I beg your
19 indulgence at this time and I thank you.

20
21 Mr. Chairman and members of the Southeast Regional
22 Council. I would like to thank the Regional Council for
23 allowing me to testify on my own behalf here today. I was on
24 the first Southeast Regional Council and represented Yakutat
25 from the State of Alaska Fish and Game Advisory Council of
26 Yakutat and we were the ones that initially setup the Southeast
27 Regional. I was also named on the Wrangell-St. Elias National
28 Park at that time.

29
30 I left Yakutat on the 12th of September to testify to
31 at State of Alaska Subsistence Task Force hearing held at the
32 Anchorage Sheraton on Saturday the 13th of September. You can
33 imagine my disappointment after arriving at the meeting to
34 discover they were not allowing nor taking individual public
35 testimony. They would only listen to and ask questions from
36 organizations. I cannot understand why the Task Force would
37 not allow public -- the public to testify upon the most
38 important subject in Alaska today, subsistence, especially in
39 Anchorage where most of the voters in Alaska reside. Being
40 unable to testify in Anchorage, I submitted written testimony
41 to Mr. Byron Mallott, who is from Yakutat and is the only
42 Native in the Task Force.

43
44 As an observer at the meeting and one that has a strong
45 personal opinion, the following observations of what I saw and
46 feel are a brief description of the State Task Force on
47 subsistence that was formed to improve the State position of
48 its own making; the dilemma on subsistence. That, and the loss
49 of the fish and game control on Federal lands.

1 The first glaring part I noticed was where the State
2 may, but not required, to grant a subsistence priority. Let's
3 face the fact that the State has not, but could have, included
4 that language in their law making capacity on subsistence at
5 any time since 1980. What will the chances be that they will
6 allow to grant the subsistence priority today? Tomorrow? Or
7 next year? How about the next decade? The odds are about the
8 same as we have had since 1980 when ANILCA was formed. I feel
9 that the State should show their care for their rural citizens
10 by committing themselves to the provisions of ANILCA prior to
11 the November '98 elections and the State Constitutional
12 changes. I do not believe any of the proposed State amendments
13 will assist subsistence as much as ANILCA does at this time.
14 So why should you, as a Regional Council, agree to any changes
15 to ANILCA that will do nothing to help subsistence, with one
16 exception; that exception is the elimination of subsistence.

17
18 I resent the State and the larger cities who actively
19 tried to eliminate, by whatever means possible, the very
20 important portion of the economy of smaller rural communities,
21 and that's our subsistence. Take for instance, take the salmon
22 resources. Subsistence takes four percent of the total catch
23 in Alaska. And we are about to lose that if the Task Force and
24 the commercial sport entities and commercial fishers have their
25 way. For shame to the State, commercial sport fishermen and
26 the commercial sports people. Don't force us to go to court
27 and ask for 50 percent like the Indians in Washington
28 accomplished. We have three Federally recognized tribes in
29 Yakutat if the Yak-tat Kwaan is recognized. We have the
30 Yakutat Tlingit Tribe, the local Yakutat Tlingit and Haida
31 Indian Tribe of Alaska and the Yak-tat Kwaan to follow through
32 with the 50 percent if necessary.

33
34 I also believe we must have subsistence zones developed
35 within villages for their protection and I believe the Yakutat
36 subsistence zone will be introduced by Mr. George Ramos.

37
38 One other point, I would like to request, concerning
39 the waters within the three miles portion under the Federal
40 protection of navigational waters. Does this mean certain
41 allotment owners who could request Federal government take
42 charge of the Federal waters near their certified allotment for
43 the protection of the navigable waters under their control?
44 The State is issuing permits near the beach front of allotments
45 without regards to the owners of these allotments. The Federal
46 government has the opportunity to protect these allotment
47 tidelands, if requested. So I formally request the tidelands
48 in front of Allotment AA-7949 to fall under the Federal
49 protection of navigable waters.

1 I would recommend the Southeast Regional Council do
2 everything within its powers to maintain all of the subsistence
3 protections within ANILCA and to reject any recommendation by
4 the State of Alaska that would weaken the present protections
5 of ANILCA. I also recommend the present Regional Council
6 concept be maintained without any changes. These Regional
7 Councils are working for all Alaskans and are doing better than
8 what a group of bureaucrats from agencies would do. This
9 system has the input of actual user groups which wasn't present
10 when the Federal government was in control prior to Statehood.

11
12 Once again, Mr. Chairman, I appreciate your indulgence
13 for allowing me to testify and I would like to welcome all of
14 you to Yakutat and to thank those responsible for having the
15 Southeast Regional Board meeting in Yakutat. Also I'd like to
16 thank the Alaska Native Brotherhood and Sisterhood Camp #13,
17 Ms. Mitchell of the Forest Service and Fred Clark. And thank
18 you, Mr. Chairman. I appreciate the opportunities.

19
20 CHAIRMAN THOMAS: Okay, thank you, Walter. Thank you
21 for those comments. They were well thought out, they expressed
22 the views of many people. With regards to your formal request
23 for management over water and the allotment areas, I can't
24 respond to those, maybe there's someone here that can. But in
25 order for us to do that, would you be able to leave your
26 comments with the gentleman on the end there?

27
28 MR. JOHNSON: Yes.

29
30 CHAIRMAN THOMAS: And we could take a look through
31 there. And appreciate the exciting comments towards the
32 Council and the process. We've heard those other sentiments
33 expressed before, but we're not into that, we're into
34 satisfying ANILCA on this process. So thank you very much.

35
36 MR. JOHNSON: Thank you.

37
38 CHAIRMAN THOMAS: Any questions for Mr. Johnson? Thank
39 you, Walter.

40
41 MR. JOHNSON: Thank you.

42
43 MS. MITCHELL: Hi, my name is Meg Mitchell. I'm the
44 acting District Ranger here in Yakutat. And I just wanted to
45 welcome you all to Yakutat. Although, I'm probably least
46 qualified to do that since I have been here a month and a half,
47 I have always -- in Wrangell, two years, I've enjoyed watching
48 this Council and the efficiency of which that you work and it's
49 always a pleasure having you.

1 For those of you who are new to Yakutat, I can give you
2 a couple hints just for organizational. One, everybody, you
3 have to wave when you drive here; that's the first thing. And
4 the second is, watch your speed. I'm personally, closely
5 monitored myself, so there's a couple of transitions that occur
6 pretty quickly with the speed zones and they will get you.

7
8 A couple other things, there's some meals being offered
9 to you and you all, visitors and the community, that I wanted
10 to make you aware of. These are fundraisers for some of the
11 organizations in the community. Tonight there's a dinner
12 sponsored by the Teen Center at 6:00 o'clock. Tomorrow, there
13 will be a lunch sponsored by the Tlingit and Haida Central
14 Council. And tomorrow's dinner will be at 6:30 and that's
15 sponsored by ANB/ANS and it will also have the dancers, the St.
16 Elias Senior Dancers will be performing tomorrow night for you.
17 And then Thursday lunch, we know that you'll be probably trying
18 to get out of here, so Thursday's lunch will be provided by the
19 St. Elias Dancers, the junior members of that organization.
20 And I wanted to just thank Ray Sensmeier and Nellie Vale for
21 providing some of the foods in the back today. So that's what
22 we have for you.

23
24 And should any of you have any questions or things that
25 you need, I'll be glad to help you. Thank you.

26
27 CHAIRMAN THOMAS: Thank you. Yeah, that's given me a
28 good reminder, because you know I've used ANB equipment for a
29 lot of years, I don't remember these kind of chairs before.
30 These lean back and recline, rollers on them, so they're a
31 wheelchair and everything all built in one. Everybody's happy,
32 look at the happy faces up here. Um.

33
34 MS. MITCHELL: Those are brought to you by the Forest
35 Service.

36
37 CHAIRMAN THOMAS: Yeah.

38
39 MS. MITCHELL: I was thinking of raffling them off.

40
41 CHAIRMAN THOMAS: Yeah.

42
43 MS. MITCHELL: Our budget's getting kind of low.

44
45 CHAIRMAN THOMAS: I've never seen this group smile
46 before. Look at that, everybody's happy.

47
48 MS. MITCHELL: I'm sorry I couldn't provide you all
49 with the same chairs.

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1 CHAIRMAN THOMAS: We do thank you for the munchies back
2 there, that's always a welcome sight. We got some vultures on
3 this Committee, and I'm probably the lead one. But we
4 certainly appreciate the hospitality we've experienced already.
5 Thank you very much.

6
7 Typically, for those of you that might be curious about
8 comments as the process goes on -- have agendas been made
9 available to the visitors, the public?

10
11 MS. MASON: They're on the back table.

12
13 CHAIRMAN THOMAS: Okay. Anyway, if you'll notice on
14 the agenda there's a lot of reports that take us down to new
15 business. And so there's a lot of talking. There's some
16 people here that just live for this day to be able to vent
17 their -- they've been writing these and rewriting them and
18 they're going to impress you with some real good stuff. So
19 just standby.

20
21 Okay, the first one in line is Chairman -- I got to dig
22 out my list here.

23
24 MR. CLARK: Mr. Chairman.

25
26 CHAIRMAN THOMAS: Fred.

27
28 MR. CLARK: You need to adopt the minutes yet for the
29 last meeting.

30
31 CHAIRMAN THOMAS: Oh, yeah, somebody make a motion.

32
33 MS. McCONNELL: So moved.

34
35 CHAIRMAN THOMAS: Somebody second.

36
37 MR. VALE: Second.

38
39 CHAIRMAN THOMAS: Somebody discuss it.

40
41 MS. GARZA: Question.

42
43 CHAIRMAN THOMAS: Question's been called, all those in
44 favor.....

45
46 MS. PHILLIPS: I have something to discuss.

47
48 CHAIRMAN THOMAS: What happened? Is that Patti down
49 there?

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1 MS. PHILLIPS: Mr. Chair.

2
3 CHAIRMAN THOMAS: Patti.

4
5 MS. PHILLIPS: First I'd like to welcome the new
6 members of the committee, Jeff Nickerson from Klawock, welcome
7 on board. I'm looking for my notes on what I wanted to
8 address.

9
10 It was concerning the Petersburg proposal.

11
12 CHAIRMAN THOMAS: Okay.

13
14 MS. PHILLIPS: Proposal 9, Page 7 and Page 8, it says
15 that Patti does not believe the proposal supports subsistence
16 users and Lonnie agrees with Patti that the subsistence user is
17 being isolated. And the minutes -- or the record of the
18 Council meeting will reflect my accurate statement, and I would
19 like the minutes to reflect that because I put a lot of thought
20 into that -- to that little blurb about Proposal 9, which I
21 could read off now if you'd like.

22
23 CHAIRMAN THOMAS: You could do that or you could leave
24 us those comments you've got, those corrections?

25
26 MS. PHILLIPS: I can leave them.

27
28 CHAIRMAN THOMAS: And if you want to read them you're
29 welcome to.

30
31 MS. PHILLIPS: This proposal does not represent the
32 needs of subsistence users. The actions of this proposal show
33 a lack of comprehension of local customary and traditional
34 values. In reality of ideological and cultural differences of
35 subsistence users and sports users is inherent. The
36 recognition of subsistence harvest has created resentment and
37 resistance through the priority established and strengthened by
38 Federal subsistence management.

39
40 And I would like the minutes to reflect that statement.

41
42 CHAIRMAN THOMAS: Okay.

43
44 MS. PHILLIPS: So I move to amend the minutes.

45
46 CHAIRMAN THOMAS: Okay, you heard the motion.

47
48 MS. McCONNELL: Second.

49

CHAIRMAN THOMAS: Moved and seconded. Discussion.

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1 MS. WILSON: Question.

2

3 CHAIRMAN THOMAS: All those in favor say aye.

4

5 IN UNISON: Aye.

6

7 CHAIRMAN THOMAS: Those opposed.

8

9 (No opposing responses)

10

11 CHAIRMAN THOMAS: Okay. The minutes have been amended
12 with those corrections, and Patti will furnish us with those
13 corrections. Further discussion on the minutes.

14

15 MS. McCONNELL: I just.....

16

17 CHAIRMAN THOMAS: Mim.

18

19 MS. McCONNELL: Mr. Chairman, I just had a question
20 about what happened later on something. When I was reading
21 over the minutes it reminded me of a letter that had been
22 written and that you gave to the Board of Fish and I'm just
23 wondering if you can report on that at some time? And I say,
24 some time, because you probably don't even know what I'm
25 talking about at the moment.

26

27 CHAIRMAN THOMAS: I don't. But when you refresh me,
28 I'll be happy to.

29

30 MS. McCONNELL: It's on Page 4 in the minutes. There
31 was discussion about incidental bycatch of chinook salmon for
32 subsistence fisheries.

33

34 CHAIRMAN THOMAS: All right, great.

35

36 MS. McCONNELL: And there was a letter that we drafted
37 and you were going to a Board of Fish meeting the next week and
38 I don't think that I've ever heard of any kind of report on
39 what happened at that meeting concerning that.

40

41 CHAIRMAN THOMAS: Oh, yeah, I got a letter back. I
42 didn't bring it with me, but it said that we got your letter,
43 thank you for your input, we'll see what happens later.

44

45 MS. McCONNELL: Um.

46

47 CHAIRMAN THOMAS: There was no support. There was
48 no.....

49

MS. McCONNELL: Um-hum.

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1 CHAIRMAN THOMAS: I mean it was, the postage stamp was
2 literally wasted you know. There was really no response.
3 There was no response at all, but that's where it wound up.

4
5 MS. McCONNELL: So maybe we should put a proposal in
6 for the next cycle.

7
8 CHAIRMAN THOMAS: Well, we'll see what happens after
9 tomorrow.

10
11 MS. McCONNELL: Yeah. Okay, thank you.

12
13 CHAIRMAN THOMAS: Further comments.

14
15 MR. VALE: Call for the question.

16
17 CHAIRMAN THOMAS: Question's been called for. All
18 those in favor of adopting the minutes as amended say aye.

19
20 IN UNISON: Aye.

21
22 CHAIRMAN THOMAS: Those opposed.

23
24 (No opposing responses)

25
26 CHAIRMAN THOMAS: The minutes are adopted. Now, if you
27 guys will kindly let me get back to my agenda -- oh, my report.
28 Okay, we met in Wrangell -- or Sitka last year early in
29 February. Right after that meeting in Sitka I attended a
30 subsistence round table that was sponsored by Rural Cap in
31 Anchorage, that was about the 13th of February. And it turned
32 out to be kind of a mini-AFN meeting. It had people from all
33 over the State that was encouraged to try to come up with some
34 unified position. And so after three days of meeting in
35 Anchorage, we come up with a document some of you may have
36 seen, referred to as a proclamation, and that was forwarded to
37 the Governor for his reaction.

38
39 Later on that month we had the Chairman's meeting in
40 Anchorage, in which case, I asked Dolly to attend. I had some
41 medical appointments at that same time and the training
42 materials that you have in your book right now is a result from
43 one of the requests made at that meeting. I didn't have a
44 chance to review everything that happened there, but I was
45 going to put Dolly on the spot by asking her if she remembers
46 anything that she might want to remind us of now at this
47 meeting. Remember when they talked about some of the other
48 regions that wanted a simplified version of the operations
49 manual for training for the new members?

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1 MS. GARZA: Uh-huh.

2

3 CHAIRMAN THOMAS: You don't remember that part?

4

5 MS. GARZA: Uh-huh.

6

7 CHAIRMAN THOMAS: Well, anyway, that's one facet of
8 that meeting. But I don't think -- I haven't heard of any
9 other action that came from there unless there's somebody in
10 Staff that might remember anything significant. If it comes to
11 your mind later on, if you'd share that with us, I'd appreciate
12 that.

13

14 The topic of restructuring the Board was mentioned at
15 that meeting and got things moving. Although that particular
16 topic was mentioned more than one time. In April, the day
17 before the Board meeting, there was another meeting of the
18 Chairs to meet just to share ideas with each other. And one of
19 the topics at that meeting was to restructure the Board. The
20 first recommendation to restructure the Subsistence Board was
21 to replace the existing members on there with existing
22 Chairmans of various Regional Advisory Councils. The person
23 that was leading that charge wasn't at the meeting. They had a
24 family emergency, if some of you remember, about the two young
25 kids that were stuck on the ice flow for 50 hours last spring,
26 they were his niece and nephew. But anyway, when we discussed
27 this restructuring at our meeting, in which case, I Chaired the
28 meeting, the people that were in attendance suggested that by
29 looking for a complete change of the Board was very radical and
30 wasn't probably the most productive and wouldn't serve the
31 interests of the people of Alaska in the best way. So just to
32 keep from being too radical, the language then was reduced to
33 at least have one member of the Chairs to be an additional
34 member to the existing Council. And so that's what was left.
35 That was forwarded when we met with the Board and resulting
36 from that, the Chairman of the Board put together a Task Force
37 to study the options or the implications or the hazards of
38 making a change like that on the Board.

39

40 A lot was learned from that. A lot of research went
41 into that. Sue Detwiler, over here, was leading the charge --
42 or at least part of the charge that was doing a lot of
43 exploring, put some good material together for us to review at
44 our meetings. We met a couple of times and we did come up with
45 some language to forward to this Council at this meeting for
46 that and that will be part of our agenda a little later on.
47 Did I leave anything out, Sue?

48

49 I can't remember the fourth member of the Task Force,

50 there was Jim Caplan, Tom Boyd and myself.

0015

1 MS. DETWILER: You, Mitch, Jim Caplan from the Forest
2 Service, David Allen from Fish and Wildlife Service.

3
4 CHAIRMAN THOMAS: Yeah, there's four, right. Okay. So
5 anyway, that will be on your agenda for consideration. Other
6 parts of our discussion was some members felt like the per diem
7 wasn't adequate to be attending these meetings because some
8 members, if not all members, take a loss personally in their
9 wallets for attending these meetings and so they wanted to see
10 if anything can be done with that.

11
12 Also a letter was, in fact, submitted to the Department
13 of Interior to -- or the Secretary of Interior to requesting,
14 at least, exploration of the possibility of increasing the per
15 diem. But the language that was used in that letter was not
16 received at all by the members of the Chairs at the -- it kind
17 of looked like it was designed to kill the objective, and I
18 think it did. So we suggested that they write a different
19 letter or have somebody else write it. None of those have been
20 finalized yet, so I can't tell you what happened from that.
21 This being the Federal government, nothing could happen between
22 one meeting and the next, you got to have at least two
23 meetings.

24
25 Also this training material, there were members from
26 around the State that expressed concern about the materials to
27 be involved in this process was too wordy, it was too
28 cumbersome. The language that was used wasn't suitable to
29 everybody. People had a difficult time in understanding some
30 of the implications or some of the expressions or terminology.
31 And that was recognized by the Fish and Wildlife Service office
32 and so that -- is that the same Task Force - no, that was a
33 different Task Force. Met and this was with different Chairs
34 from around the State to discuss ways we can do a better job of
35 putting together written material for everybody to understand.
36 And again, Sue Detwiler was very involved in that, as well as
37 Terry and who else -- she left.

38
39 MS. MASON: Louisa.

40
41 CHAIRMAN THOMAS: Louisa, right. And they did an
42 outstanding job. They sent it back and forth several times for
43 input from the participants to either add language or take
44 language out that -- to make sure that it was done right. And
45 I think they did a very good job with that. Okay.

46
47 Also in April at the Tlingit and Haida Central Council
48 general assembly, the National Marine Fisheries Service was
49 conducting hearings in a room adjacent to where we were

50 meeting. I saw that as an opportunity to do a follow-up on a

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1 request we got from the Southeast Native Subsistence
2 Commission, in which case we co-sponsored -- or co-authored a
3 proposal to allow halibut to be used as a subsistence fishery.

4
5 So we prepared some comments for that. There were --
6 well, we thought there was only going to be three of us, but
7 there was people from all over the rest of the State that came
8 and supported the same idea. It was -- there was some good
9 questions about it. Again, that's another one that hasn't
10 reached the resolution. I talked to members of that fisheries
11 service after they met in Kodiak and their best instruction was
12 to wait until after the September 30 deadline to see what's
13 going to happen with fisheries with other issues in fisheries,
14 so that's what they were waiting for. Waiting for tomorrow's
15 date to see what's going to happen.

16
17 In August I went to Anchorage again, another
18 subsistence summit. This one was sponsored by RurAl Cap and
19 AFN and that was a three day hearing. And it was kind of a
20 mimic of what happened in February with some different players.
21 The results were the same, the same proclamation, different
22 variations of it were the result of that. Those, too, were
23 forwarded to the Task Force and to the Governor. And again, we
24 don't know where they're at with that. Based on the
25 information we get from the newspaper, I don't think they've
26 done anything with it. So that's kind of where things are at.
27 I attended the Legislative hearings in Ketchikan, Chaired by
28 Representative Hudson, testified down there and giving them --
29 and reconfirming our commitment to support the resolutions of
30 the summit that was held in Anchorage.

31
32 But other than that I didn't have anything much going
33 on this summer, just subsistence stuff. Does anybody have any
34 questions or inquiries? Okay. That's one report out of the
35 way.

36
37 MS. McCONNELL: Could we close the door, my feet are
38 freezing.

39
40 CHAIRMAN THOMAS: Put them in John's pocket.

41
42 MS. McCONNELL: Thanks.

43
44 CHAIRMAN THOMAS: Okay. We're moving on and we're
45 still in our support section of our agenda which brings up the
46 Forest Service at this point. Is there a Forest Service rep in
47 the building.

48
49 MR. CLARK: I believe there's quite a few.

0017

1 MR. KESSLER: I'll come up and talk a little bit on
2 Tongass Land Management.

3
4 CHAIRMAN THOMAS: Okay. Well, actually we got TLMP,
5 yeah, that's good, that falls right in. Come on up.

6
7 MR. KESSLER: Unless my agenda was wrong, TLMP was the
8 next item on there; is that correct?

9
10 CHAIRMAN THOMAS: Yes.

11
12 MR. KESSLER: Well, Mr. Chairman and members of the
13 Council, thank you for having me here. TLMP is done or we
14 think it's done. Tongass Land Management Plan revision has
15 been underway for 10 years now and the final plan and the
16 revision is signed. The reason I say, I think it's done is
17 because we have appeals and potential litigation and other
18 things before it is really done. But it has been signed.

19
20 I want to thank you for your interaction throughout the
21 entire process from the original State sponsored council
22 meetings to this Federal Council, which we've presented to --
23 yes.

24
25 MR. CLARK: Just for the record, for people making
26 presentations, could you please state your name when you start
27 talking.

28
29 MR. KESSLER: Excuse me, thank you. My name is Steve
30 Kessler. And I'm on the Tongass Land Management Planning team.
31 I've worked on it for the last 10 years, I'm currently the
32 assistant team leader and I have given presentations previously
33 to this group.

34
35 The most recent consultation we had with you was on
36 April 30th when we had a special meeting of the Council, which
37 quite a few members were present. That was just three weeks
38 before the actual signing of the record of decision by Phil
39 Janik. Now, implementation of the plan began on July 27th, the
40 appeal period just ended. Appeals of the plan are to the Chief
41 of the Forest Service. Since the regional forester was the
42 person who signed the document, that means the appeals are to
43 one level up, which is the Chief of the Forest Service.

44
45 Now, if you choose, I can go through and give you a
46 summary of the plan. I think we did that fairly well at the
47 April 30th meeting, and that's up to the members of the
48 Council, if you would like me to go through and pinpoint some
49 of the highlights of the plan, I'm prepared to do that. I've

50 got some handouts I could give you, it's your choice.

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1 CHAIRMAN THOMAS: Well, just bear in mind, we've only
2 got two days to meet so.....

3
4 MR. KESSLER: Okay. So what I'll do is, I have some
5 summaries that we've written, they've got some of the high
6 points -- highlights of the plan.

7
8 CHAIRMAN THOMAS: Yeah, if you just do the highlights
9 in the summary that would be good.

10
11 MR. KESSLER: You want me to go through some of those?

12
13 CHAIRMAN THOMAS: Sure.

14
15 MR. KESSLER: Okay.

16
17 MR. CLARK: Mr. Chairman, just a reminder, Steve.
18 Several of the Council members who are present were not at the
19 meeting, so you need to fill them in a little bit.

20
21 MR. KESSLER: This is a summary that was mailed out to
22 most of our mailing list and has been given to a lot of
23 interested people interested in the revision process.

24
25 It discusses the entire process. It talks about some
26 of the different resources on the Forest. If you take a look
27 on the second page there's a -- where it says, what's inside,
28 and it goes through old growth, wildlife and viability,
29 subsistence, fish, minerals and then goes into a portion on
30 what happens next. But the alternative components of some of
31 the highlights of the Forest Plan is on Page 6, and there's a
32 comparison chart between the 1979 and the 1997 plan. I've got
33 a few extras here which can be passed around.

34
35 If you take a look at the comparison chart on Page 6,
36 there's a series of old growth habitat reserves that were
37 identified across the Forest. Now, these are in addition to a
38 number of areas that are not available for any major
39 development, such as timber harvest across the Forest. As we
40 get further down I'll show you how much timber harvest is
41 available. These old growth habitat reserves are distributed
42 across the Forest in a series of large, medium and smaller
43 blocks that are designed to maintain populations of wildlife
44 species across the entire Forest.

45
46 The next item down is riparian. There were significant
47 changes that were made to this final Forest plan from what was
48 previously in previous drafts. And right now, all fish streams
49 and all the significant non-fish streams automatically have

50 stream buffers associated with them. And that is a change,

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1 especially on the non-fish streams from both the previous
2 versions of the Forest plan drafts and the 1979 plan.

3
4 Beach buffers and river mouth or estuary buffers both
5 have 1,000 foot buffers associated with them. This is for a
6 number of reasons for wildlife purposes, subsistence purposes,
7 recreation purposes, scenery purposes, there's a lot of
8 competition for that first fringe next to the beach and this
9 1,000 foot buffer helps to maximize the integrity of that area.

10
11 Average allowable sale quantity, the maximum was 267
12 million board feet, which we expect about 200 to 220 will be
13 economical to actually be harvested. 670,000 acres are
14 scheduled for timber harvest over a 100 year period, and that
15 compares to 1.4 million acres under the 1979 plan. Of the
16 670,000 acres, 200,000 of those are already in second growth,
17 they've been harvested previously. Of the areas that have been
18 previously harvested there are another 200,000, there's 400,000
19 acres that have been previously harvested on the National
20 Forest. 200,000 actually will not be available for harvest
21 again under this Forest plan because of beach buffers, because
22 of stream buffers, because of other areas that have been put
23 into non-harvest categories.

24
25 Again, the average timber stand rotation is
26 approximately 100 years, and that varies quite a bit across the
27 Forest, depending on the productivity of the sites. There's
28 clearcut and other methods would be used for timber harvest.
29 Karst areas and caves, we only knew in 1979 plan, we hardly
30 even knew much about karst and the limestone features of the
31 Forest. We know much more about them now and how important
32 they are, the karst and the cave resources are for many other
33 associated resources on the Forest. Wild, scenic and
34 recreational rivers, recommended that there are 32 of those
35 designated for 541 miles. Now, that's a recommendation to
36 Congress. Congress decides what actually will happen with
37 wild, scenic and recreational rivers.

38
39 There are a few other statistics which might be helpful
40 to you. If you take a look in the center of this publication,
41 there's a map that shows generally what areas would be allowed
42 for some sort of development, like timber harvest, and what
43 areas are what we call in the natural setting land used
44 designations. And on the next page, right behind that there
45 are a few facts and figures, and if you're particular
46 interested in what's going to happen with timber harvest and
47 the old growth forest, there are a few statistics on the bottom
48 of that table. The very last bullet on there, under the 1997
49 Forest plan, this Forest plan, 92 percent of all the -- what we

50 call productive old growth or commercial grade old growth will

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1 remain in 10 years with only one percent having been planned
2 for timber harvest. We've implemented for 100 years, then
3 there will be at least 84 percent of the commercial grade old
4 growth forest habitat left.

5
6 Yes.

7
8 MS. McCONNELL: I have a question. I'm curious about
9 sustainable cut of old growth. And I'm wondering, is there a
10 number out there of what is a sustainable amount of wood that
11 can be cut that will still make the Forest sustainable? You
12 know, you hear a lot of talk about that, about having a
13 sustainable timber industry. And I'm wondering if it's
14 possible, for one, and number two, if there's a number, an
15 ideal number that would be out there that would be something
16 people would strive for?

17
18 MR. KESSLER: Well, when you start looking for
19 sustainability, it sort of depends on what scale you're looking
20 at. So if you're looking at the whole Forest and we know the
21 whole Forest is not available for timber harvest, I don't
22 remember the number, but it's one and a half billion or
23 something board feet per year that could be harvested if
24 everything was available, but it's not. There's only very
25 limited acres that are available through this Forest plan. And
26 based on those acres that are available for timber harvest, you
27 know, that are not in wilderness area or the beach fringe or in
28 Legislative or whatever else, this is the number that we feel
29 is the sustainable level that could be harvested. Just as it
30 shows in that table about 670,000 acres over a 100 year period.

31
32 MS. McCONNELL: Well, what do you guys define as being
33 sustainable with this number?

34
35 MR. KESSLER: These are areas that are so called
36 suitable for timber harvest. They're capable of producing
37 trees. They're not going to have any mass movement of soils
38 that will effect the productivity of the land in some other
39 way. Regeneration will occur on that. There's a suitability
40 process that we have gone through, it's displayed in the Forest
41 plan, we've gone through to make sure that those lands truly
42 can produce trees and produce trees again.

43
44 Now, just to complicate things a little further, one of
45 the things that we have done in this Forest plan which is
46 different than in -- I think essentially any other Forest plan,
47 is we've come up with some, what we call, MIRF, Management
48 Implementation Reduction Factors. We find that when we go out
49 there and try to implement what the Forest plan says is

50 available, that we can't do it. There's not that many acres.

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1 There's soils that, in fact, we shouldn't be harvesting on or
2 there's streams that sort of pop-up that we didn't expect.
3 There are eagle nests out there that we didn't think were going
4 to be there. And so what we have done is we've come up with
5 this implementation reduction factor and actually reduced the
6 number of acres available for timber harvest based on all of
7 these sort of extraneous factors which we know are out there.
8 Well, we actually did some testing this time to find out what
9 was out there that we would not have normally expected. And
10 that reduced the number of acres by about 25 percent. So
11 there's actually 25 percent reduction from what 10 years we
12 might have said under these colors on the map would have been
13 available.

14
15 Does that help?

16
17 MS. McCONNELL: I guess so.

18
19 CHAIRMAN THOMAS: So what was the answer? What is the
20 sustainability?

21
22 MR. KESSLER: Well, the answer is that this is
23 sustainable.

24
25 CHAIRMAN THOMAS: Okay.

26
27 MR. KESSLER: Any other questions on the features of
28 the Forest plan? As far as documents go, I think.....

29
30 CHAIRMAN THOMAS: I had a question, you mentioned eagle
31 nests?

32
33 MR. KESSLER: Um-hum.

34
35 CHAIRMAN THOMAS: Okay. Now, with the recovery of
36 eagles, at the rate they're going, we're bound to see more
37 nests going up. Is every one of those nests going to impact
38 that area like it's impacted now?

39
40 MR. KESSLER: I guess the answer is yes and no. What
41 -- as I understand the research is the research has shown that
42 most of the eagle nests are within that 1,000 foot beach fringe
43 or fringe of the beach. So if you have a eagle -- a new eagle
44 nest within that 1,000 feet or particularly within the first
45 500 feet of the shoreline there will be no impact to the amount
46 of timber harvest, it's already taken in account of. The other
47 way we've taken account for it is, as I've said, also in this
48 sort of management implementation reduction factor, this
49 percentage that we've said is not really available that

50 otherwise we might have thought was.

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1 CHAIRMAN THOMAS: Okay.

2

3 MR. KESSLER: I think that most of the members, and
4 hopefully all of the members received some of the documents.
5 The set of documents is about that tall. It has an
6 environmental impact statement in it and the Forest plan. The
7 Forest plan is this book, it's got a grey binder on it.

8

9 CHAIRMAN THOMAS: Make that on CD.

10

11 MR. KESSLER: Okay, the other way is on CD. And all of
12 the documents, the whole stack is available on CD. And I
13 actually have a laptop computer along with me, which I can give
14 some examples of how it works if anyone wants.

15

16 CHAIRMAN THOMAS: Do you have CD's for those that might
17 be interested?

18

19 MR. KESSLER: I do have a stack of extra CD's in the
20 back here and if there's not enough, there's many, many more of
21 these available. But all of the documents are on here. It's
22 searchable, if you want to do a search on subsistence, you type
23 in subsistence and say go and about three seconds it finds
24 everywhere that the word subsistence is in the whole set of
25 documents. The maps are all on here, too, there's 11 maps and
26 you can zoom in if you want. But there's one requirement to
27 use this, you have to have a computer. So the paper copies are
28 available.

29

30 MS. McCONNELL: Or CD-Rom.

31

32 MR. KESSLER: Well, a computer with a CD-Rom helps,
33 too.

34

35 MS. WILSON: I have a question. Was that available
36 this year?

37

38 MR. KESSLER: Yes.

39

40 MS. WILSON: And meanwhile, most of us got all the big
41 stack of books.

42

43 MS. McCONNELL: You could have marked it on the request
44 form.

45

46 MS. WILSON: I didn't even notice it.

47

48 MR. KESSLER: Right. We had a request form that said,
49 how do you want this, and ideally the CD was going to be

50 available the same day the paper copy was, it was a couple --

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1 well, actually I think as much as a month late because of some
2 technical problems of this.

3
4 MS. WILSON: MacIntosh?

5
6 MR. KESSLER: Yes. MacIntosh, PC or work stations, you
7 can use it on all three of those. I also have a couple of
8 copies of the Forest plan map, one of these big maps. Again,
9 that's available. That's right on the CD also.

10
11 What I want to do is talk a little bit about some other
12 things that have gone on. The appeal period has closed. We
13 received a number of appeals. I'm just looking at a little
14 list of them that I have here of probably about 25 different
15 appeals. Let me just read a few of them off to you. Some of
16 them are this big, one page, and I guess -- no, two pages, I
17 think is the smallest one I've seen, and the biggest ones are
18 approximately that thick. I didn't even know they made
19 notebooks that thick, the notebooks themselves are about that
20 thick and there are two of them. Friends of Glacier Bay.
21 Alaska Miner's Association. Alaska Forest Association. Sierra
22 Club, Juneau Chapter. SIAC. Earth Justice Legal Defense Fund.
23 Cook Inlet Region Incorporated. Whitestone Logging Tongass
24 Conservation. Cleveland Users Coalition. Advocates from
25 Minerals Corporation. Friends of Southeast Future. Sitka
26 Conservation Society. Forest Service Employees for
27 Environmental Ethics, Southeast Conference. And there are more
28 on the list. Just to give you a feel. The appeal period ended
29 last week, last Thursday, if I remember correctly. Most of the
30 appeals were mailed in on Thursday, so we haven't seen them
31 all.

32
33 But in the meantime, even though it's during the appeal
34 period, we are implementing the plan. We've had a number of
35 community sessions in Southeast Alaska, mostly on the northern
36 part of the Forest so far. We've met with some of the
37 recognized tribes and there's more meetings planned, for
38 instance, the Douglas Indian Association tomorrow night, later
39 next month with the Sitka Tribes of Alaska.

40
41 Yes, Gabe.

42
43 MR. GEORGE: I have a question. In terms of the tribal
44 governments dealing with the Tongass Plan, how is Forest
45 Service -- how does the Forest Service react to those kinds of
46 appeals versus the regular public, you know, public appeal.....

47
48 MR. KESSLER: I don't know.

49

MR. GEORGE:category?

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1 MR. KESSLER: I don't know what the difference will be,
2 if there is a difference.

3
4 MR. GEORGE: Since they supposedly have a government-
5 to-government type of communications and relationship, it seems
6 to me like they fit into a different kind of category as far as
7 their appeal to the plan.

8
9 MR. KESSLER: There might -- I don't think that the
10 Forest planning regulations and the appeal regulations have a
11 distinction, but I'm not the expert.

12
13 Now, that the plan is complete, implementation is the
14 next step. The Regional Forester has put out five guiding
15 principles to implementation. And one of the things I want to
16 remind everybody about implementation is the Forest plan was
17 one level of planning and we have another level of planning,
18 the project level. So where the Forest plan is permissive, it
19 allows certain things to happen, then there are other projects
20 that actually occur, whether it's a timber harvest or road
21 construction or a cabin is built or a fish way is built or
22 whatever else. And each of those projects comes under another
23 level of planning and environmental consideration.

24
25 Now, some of the principles the Regional Forester's
26 identified for plan implementation is that we want to have --
27 we and he wants to have consistent management across the
28 Forest. We have three management areas on the Tongass National
29 Forest and a whole series of district, consistent management
30 across the Forest. Apply the direction as is intended in this
31 document, but with flexibility on the ground so that we're not
32 able to predict every situation in this document that might be
33 found on the ground and we need to have the flexibility to do
34 the right thing. Continue the partnership that we've had with
35 the Forest Service research arm. Continue and maintain
36 interagency partnerships. And we are working on those
37 partnerships right now through a number of different processes.
38 And then the final one was collaboratives stewardship, which I
39 think we talked about some at the previous meeting with you.
40 In some of the aspects of collaborative stewardships are that,
41 the effected interests will work together to solve problems,
42 and that's all of the interests. The communities -- work with
43 communities and the communities will be allowed to develop
44 strategies and action plans to help with the implementation of
45 the Forest plan. That there will be an adaptive management
46 process where we do projects, we do things on the ground and
47 then we see how well they work and then feedback and find out
48 if we need to change. And that change can come through
49 different projects, through amending the plan, through working

50 with communities to do things in different ways. I think that

0025

1 most of you should be hearing more about collaborative
2 stewardship through the Forest Service, through the Ranger
3 Districts in your areas.

4
5 The plan also identifies a number of information needs.
6 One of the top priorities of the information needs is an update
7 to TRUCS, the Tongass Resource Use Cooperative Survey that was
8 done in the late '80s. And I think there are others here that
9 could probably talk to that more knowledgeably than I can of
10 what's happening with that.

11
12 The Forest plan also calls for monitoring and
13 monitoring of the Forest subsistence uses and the resources.
14 And Fred Clark here, and Bob Schroeder, among other Forest
15 Service people are involved in developing what those monitoring
16 protocols are like; the monitoring methods in the plan. And I
17 suspect that those protocols and managing methods could be
18 reviewed by the Council.

19
20 That's all I've got. I thank you for your time and if
21 there's some additional questions I can help with.

22
23 CHAIRMAN THOMAS: Well, we had an opportunity to
24 participate in some of that process and for that, we're very
25 thankful for. It gave us a better insight of the challenge
26 that was undertaken in putting that plan together and I think
27 it's a very good document. And I feel confident that it will
28 probably survive those appeals that are coming forth right now.
29 And again, thank you very much for the kind report. Gabe.

30
31 MR. GEORGE: Could you find out from someone to get
32 back to either me or maybe the Council on how they treat tribal
33 governments?

34
35 MR. KESSLER: Okay, I'll work with Fred on that, too.

36
37 MR. GEORGE: Thanks.

38
39 MR. KESSLER: And again, I do have a demonstration if
40 anybody would like to see how the whole plan works on the CD-
41 Rom, especially some of the search features and I'll set the
42 computer up here someplace during the next couple of days. A
43 different little newsletter, which I'll make some copies
44 available back here and if there's anything else anyone needs,
45 please ask me and I can get copies. And that concludes my
46 presentation.

47
48 CHAIRMAN THOMAS: Thank you. Okay, with that we'll
49 take a two minute break. I don't know if there are any

50 smoker's in the house, but if there are, now's the time to do

0026

1 that.

2

3 (Off record)

4 (On record)

5

6 CHAIRMAN THOMAS: Okay, that brings us into B, I guess,
7 are there other area reports? No area reports. Now, we're
8 into 3, other State and Federal agencies. State? Elizabeth.

9

10 MS. ANDREWS: Mr. Chairman, Council members. I just
11 wanted to introduce myself to this Council, I haven't been to
12 one of your Council meetings before and I appreciate that. My
13 name's Elizabeth Andrews, I'm with the Alaska Department Fish
14 and Game, Subsistence Division. I also serve as the State's
15 Coordinator to the Federal program, and that's one reason I've
16 an interest in trying to get around to the different Federal
17 Councils in the State to see how each Council operates and see
18 the different members.

19

20 Our purpose is to try to improve the coordination
21 between the State program and the Federal program. You'll be
22 hearing a little more about that later on in your agenda with
23 one of the presentations from the Federal Staff. So we're
24 working to try to improve the coordination interaction with the
25 two systems. I'd also like to just introduce some of the folks
26 from the Department of Fish and Game who are here today. Some
27 haven't been to your Council meetings before and other folks
28 have. Gary Sanders is from the Sport Fish Division, he's also
29 a member of our liaison team. Mike Turek is from the
30 Subsistence Division. I think many of you have seen Mike
31 before with some of the research subsistence he's been doing.
32 Bob Schroeder's in the back corner there, with Subsistence
33 Division. And Mike and Bob are going to talk to you later on
34 in the agenda about one of the project's they're doing on the
35 Prince of Wales Island. We also have Bob Johnson from here in
36 Yakutat, who's with the Sport Fish Division. And if you have
37 any questions related to fisheries, sport fisheries, he'll be
38 happy to answer those or try to get some information for you.
39 Also, Doug Mecum from Commercial Fisheries Division, Management
40 Coordinator for all of Southeast. Some of you may know him
41 from your fishing interests elsewhere in the region if not
42 here. And again, if you have questions about salmon escapement
43 or some of the other fisheries throughout the region, please
44 feel free to call upon them.

45

46 Tomorrow, as I mentioned, the Wildlife Conservation
47 supervisor, Kim Titus, will be here and give you a little bit
48 of information about some of the wildlife studies the
49 Department's doing in the region. And again, if you have

50 specific questions related to wildlife populations or the

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1 research that the Department's been involved in, feel free to
2 ask him when you get to -- when he gets here.

3
4 So that concludes my introduction of the Staff and
5 we'll be glad to provide whatever assistance we can while we're
6 here. Thank you, Mr. Chairman.

7
8 CHAIRMAN THOMAS: Thank you. We got a request from one
9 of our Council members, I think she saw somebody out there, a
10 nice looking person and doesn't know their name, so in order to
11 cover that up, we want all the people from Yakutat out there to
12 stand and tell us who you are, one at a time. Don't be
13 bashful, Yakutat's not a bashful place.

14
15 MS. ABRAHAM: You're a tease Bill Thomas. My name is
16 Elaine Abraham. I'm from Yakutat. I'm (In Native Language)
17 Raven, Copper River people from Katalla. My (In Native
18 Language) Athabascan and my Eyak name is (In Native Language).
19 I'm Yakutat Tlingit Tribe, which is (In Native Language) in
20 Yakutat, and welcome to all of you.

21
22 CHAIRMAN THOMAS: Thank you. Are you the only one from
23 Yakutat, Elaine? Um? Point them out to me.

24
25 MR. GATES: I'd like to welcome you to Yakutat. I'm
26 Darryl Gates, I'm the Mayor of the City and Borough of Yakutat.

27
28 CHAIRMAN THOMAS: Thank you very much.

29
30 MR. GATES: I welcome you to the community.

31
32 CHAIRMAN THOMAS: Thank you. Don.

33
34 MR. BREMNER: My name is Don Bremner. I'm with the
35 Yak-tat Kwaan Corporation.

36
37 CHAIRMAN THOMAS: Thank you.

38
39 BEN: My name is Ben and I'm a member of City Council
40 and member of the Kwaan, I welcome you to Yakutat.

41
42 MR. LUCEY: My name is Bill Lucey. I'm a seasonal
43 worker with the Forest Service.

44
45 CHAIRMAN THOMAS: Thank you.

46
47 MR. RAMOS: My name is George Ramos Kwaask'i Kuiu, I am
48 from the coho clan. And I presently subsist in the Yakutat
49 district, so I think I'm going to unload that on you tomorrow

50 night when we have our banquet.

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1 CHAIRMAN THOMAS: Okay, thank you.

2

3 MR. JOHNSON: Walter Johnson. I'm from Yakutat. I
4 migrated up from Wrangell. And that's my nephew over there,
5 John Vale.

6

7 MR. VALE: My uncle.

8

9 MR. JOHNSON: What else could I say? Welcome.

10

11 CHAIRMAN THOMAS: How about the kitchen crew?

12

13 MS. ABRAHAM: We also have our elder, Mary James,
14 representing the elders of the Alaska Native Sisterhood.

15

16 CHAIRMAN THOMAS: Um-hum.

17

18 MS. ABRAHAM: And another elder, Maryanne Paquette,
19 from Alaska Native Sisterhood.

20

21 MS. PAQUETTE: (In Native Language)

22

23 CHAIRMAN THOMAS: Well, you've got young elders in this
24 town, however, it's nice to have you.

25

26 UNIDENTIFIED VOICE: Bill, their dance cards are filled
27 already.

28

29 CHAIRMAN THOMAS: Got to try. Well, thank you very
30 much, we're really glad that you're here.

31

32 Any other agencies, State or Federal? Clarence.

33

34 MR. SUMMERS: Mr. Chairman, Council members, residents
35 of Yakutat. I want to thank you for giving me this opportunity
36 to visit with you for the next few days. I'm here representing
37 the National Park Service. I work with the Federal Advisory
38 Committee Act programs, the Subsistence Resource Commission
39 that John Vale serves on, he's the Chairman at Wrangell-St.
40 Elias. Hopefully during the next couple of days I can answer
41 questions specific to the National Park Service program.

42

43 I have with me, and this should be familiar, it's a
44 summary of the Park Service issue paper that I presented --
45 well, it's been around for about two years now, but it's a
46 summary of National Park Service Subsistence Program Issues and
47 it's specific to NPS areas. And it's the current, most recent
48 document that was released to the State, and it provides an
49 overview of Park Service subsistence issues, their

50 recommendations, action items. And keep in mind that this

0029

1 document, it's a living document and if you have
2 recommendations or comments specific to this region or other
3 regions, feel free to pass your concerns on to me in the next
4 few days while I'm here and you can send comments, in writing,
5 direct them to Bob Gerhardt, he's one of our subsistence
6 coordinators in the Regional Director's office, you can send
7 them directly to him. But it's an attempt by the Park Service
8 to address some of the subsistence issues that effect local
9 residents that hunt and fish and use NPS lands.

10
11 Dennis Kaleta, by the way, was here a few minutes ago.
12 But he's a National Park Service Ranger stationed here in
13 Yakutat and so is Jim Capra. It was 1980 when I first came to
14 Alaska to -- not Alaska, but to Yakutat as the first Park
15 Service representative in this community so I have a lot of
16 fond memories here having spent maybe seven years before going
17 on to other assignments in Alaska.

18
19 I know John plans to give an overview on Subsistence
20 Resource Commission matters. So I think what we need to do
21 since this is our first opportunity to get together, John's
22 been in the field fishing, not to duplicate or to confuse the
23 issues, we need to get together hopefully.....

24
25 MR. VALE: This evening.

26
27 MR. SUMMERS:prepare a report. I've got some
28 specific concerns. The Park Service at Wrangell-St. Elias has
29 prepared an issue program document to guide the Subsistence
30 Resource Commission, I've got a copy here and it's available
31 for public review. It's in draft form. And that's the only
32 other item, I think, that I have at this time.

33
34 So if there aren't any questions now, I'll go back to
35 my seat and let somebody else continue the presentation.

36
37 CHAIRMAN THOMAS: Dolly.

38
39 MS. GARZA: Clarence, in reviewing this document, are
40 you looking at a general time line that you would like comments
41 back?

42
43 MR. SUMMERS: There's no time line because some of the
44 issues have recommendations that are going to involve
45 rulemaking and that's a public process over a two year period,
46 from my experience. So there's no due date or drop dead date
47 with regard to comments from the public on this subsistence
48 issue paper. So it's an ongoing affair. You know, in your
49 local area, I know you have Park Service offices, so, you know,

50 feel free to contact the office at Gustavus here in Yakutat, in

0030

1 Sitka, in Skagway, if you want to sit down and talk about the
2 specifics in your local area for at least background, get a
3 feel for the Park Service's position on some of the issues.

4
5 But the main, at least, keeper of the document, it's
6 the Regional Director in our Anchorage office. And like I
7 said, Bob Gerhardt is the Coordinator for this project. Any
8 other questions?

9
10 CHAIRMAN THOMAS: John.

11
12 MR. VALE: Yeah, Clarence, just for clarification, the
13 main purpose of this document and some of the Councils might
14 remember, we received about a year or so ago, sort of a request
15 from the Park Service, they were undertaking a review of their
16 regulations and they wanted input, wanted to know in what areas
17 people thought regulations should be changed to more
18 accommodate subsistence uses and that's what this document is
19 about. And the Subsistence Recourse Commissions and other
20 groups around the State, you know, provided comments and
21 they're responding to that and requests for changes and that's
22 what this is. It's an undertaking by the Park Service to go
23 through their regulations and change them to be more
24 accommodating. And I just wanted to through that out.

25
26 MR. SUMMERS: Sure. Some of the issues are cabin
27 access, eligibility use of wild foods and plant gathering. So
28 it's a broad range. There's a mission statement up front which
29 -- it's an attempt to notify the public and all concerned, at
30 least, you know our current position regarding subsistence
31 management in National Park Service units. Like I said, it's
32 an ongoing process and there's no final end due date when it
33 comes to comment and review. The Commissions, hopefully will
34 take this document and as appropriate, within the region, make
35 recommendation -- the appropriate changes or make
36 recommendations to the Secretary of the Interior through the
37 Subsistence Resource Commission process to accommodate the
38 concerns in the individual areas.

39
40 Any other questions? Okay.

41
42 CHAIRMAN THOMAS: Thank you. If they come up, we'll
43 ask you at a later time.

44
45 MR. SUMMERS: Thank you.

46
47 CHAIRMAN THOMAS: Thank you, Clarence. Other agencies
48 that are prepared to speak now that I haven't called on. Okay,
49 Jim.

0031

1 MR. CAPRA: Mr. Chairman, Council members. I'm Jim
2 Capra with Glacier Bay National Park. I work here out of
3 Yakutat, and I appreciate not having to leave home for this
4 Council meeting.

5
6 Mr. Chairman, the last meeting you had some questions
7 for me that I couldn't answer about Glacier Bay and Hoonah, and
8 where that was, I have something to report this time. The 20th
9 and 21st this month the Traditional Council from Hoonah and two
10 members of the IRA from Hoonah met with the Park Staff at a
11 traditional environmental knowledge workshop and subsistence
12 was the main topic. The Park heard the two biggest concerns
13 from those people from Hoonah and they worked out some of the
14 -- or at least, got on the table some of the biological
15 problems and the legislative problems in the way. And the
16 Superintendent of the Park committed to in two or three weeks
17 having an action plan together to solve those problems -- setup
18 a liaison with the two members from the IRA and two from the
19 traditional council to work with the Park and hopefully it will
20 go forward pretty quickly right now.

21
22 CHAIRMAN THOMAS: Will that result in access to Glacier
23 Bay?

24
25 MR. CAPRA: That will result -- it will be an action
26 plan to solve the access problems and the legislative problems
27 with the taking of resources from Glacier Bay.

28
29 CHAIRMAN THOMAS: Very good. Good report, thank you.

30
31 MR. CAPRA: Thank you.

32
33 MR. VALE: Jim.

34
35 MR. CAPRA: John.

36
37 MR. VALE: Just for the record.....

38
39 MR. CAPRA: Um-hum.

40
41 MR. VALE:the folks in Yakutat have historically
42 used the Park and the hard park area for subsistence as well as
43 the people in Hoonah. And you know, one of the plans here in
44 Yakutat, the (Native) clan, their traditional territory runs
45 from Lituya Bay to Dry Bay, and you know, they still believe
46 that that's their land and they have a right to use the
47 resources in there. And so I just call this to your attention
48 that any resolution of subsistence in Glacier Bay has to
49 include the folks here in Yakutat here as well.

0032

1 MR. CAPRA: I'm hopeful about the process with Hoonah,
2 and we can use the same -- maybe the same process for Yakutat.

3
4 MR. VALE: Okay, thanks.

5
6 MR. CAPRA: Sure.

7
8 MS. PHILLIPS: Pelican borders the National Park even
9 though across sound divides us from it -- from its land base
10 that we have -- you know, it's in our visible view of our
11 community and that area that we see is not allowed for
12 subsistence use for our community.

13
14 CHAIRMAN THOMAS: Dolly and I are designing an access
15 plan to share with you later on. Thank you very much.

16
17 MR. CAPRA: Thank you.

18
19 CHAIRMAN THOMAS: Good report. Anymore agencies?
20 Today's your daily time. John asked to wait until tomorrow for
21 the Wrangell-St. Elias report, so we'll grant him that. Okay,
22 that having finished our agency reports we'll move on into the
23 '96 annual response to the 1996 annual report. Staff.

24
25 MR. CLARK: That would be me, Bill.

26
27 CHAIRMAN THOMAS: Okay, Staff.

28
29 MR. CLARK: Since the Council has only just received
30 the Forest Service response to the annual report and has not
31 had a chance to read it, if the Council would like, we can
32 defer that until later and go ahead and go down the agenda and
33 talk about the status of Federal Subsistence Fisheries
34 Management or we could do just a brief overview of the
35 responses by the Federal Subsistence Board and the Forest
36 Service to the Council's annual report for '96?

37
38 CHAIRMAN THOMAS: Do you want to defer that until after
39 John's presentation?

40
41 MR. CLARK: We could do that, that'd be fine.

42
43 CHAIRMAN THOMAS: Okay. We'll defer B, Tab C. Okay.
44 Status of Federal Subsistence Fisheries Management. Staff.
45 Environmental Assessments. Oh, incidently, are you going to
46 report about Robert -- Robert not being here?

47
48 MS. MEEHAN: Yes, if you'd like. Mr. Chairman, I'm
49 Rosa Meehan from the Office of Subsistence Management. And I'm

50 sorry to report to the Council that Robert Willis will be

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1 unable to attend the Council meeting. He got sick at the last
2 Council meeting, but he did send his apologies for not making
3 it. The rest of us will do our best to pickup in his absence.

4
5 With that being said, I've got an update for you on
6 status of Federal Subsistence Fisheries Management and that's
7 under Tab D in the notebooks, and I think there's copies of the
8 update on the back table. I'm sure everybody's aware that
9 tomorrow is October 1st and we're all going to sit around and
10 wait for the sky to fall. In the meantime, let me catch you up
11 with where we are on this. As the Council is aware we have
12 been talking about the proposed expansion into subsistence
13 fisheries for the past year. In the past year we have prepared
14 an environmental assessment and have drafted a proposed rule.
15 Both of these items we have discussed with the Regional
16 Councils and asked for Regional Council comments, first in the
17 fall meeting in '96 and again in the winter meeting in '97.

18
19 Some of the key provisions of the draft proposed rule,
20 just to remind everyone, it includes delineation of the waters
21 where Federal jurisdiction apply. And for anyone who is
22 interested in looking at some of the specifics on that, we do
23 have two maps posted over here on the wall. On the maps, the
24 drainages in red are the ones that are designated for inclusion
25 within the Federal program.

26
27 MR. VALE: I'm sorry, could you repeat that?

28
29 MS. MEEHAN: These maps here do show the drainages that
30 would be included within the Federal Subsistence Fisheries
31 Management program. Basically on Forest Service lands, any
32 waters that cross or are adjacent to land managed by the Forest
33 Service would be included within the subsistence fisheries
34 program. So at your leisure, these maps will be up for the
35 duration of the meeting so you could have a chance to look at
36 them in detail.

37
38 CHAIRMAN THOMAS: You don't have a list of them by
39 name, do you?

40
41 MS. MEEHAN: No.

42
43 CHAIRMAN THOMAS: Okay.

44
45 MS. MEEHAN: One of the issues that was very much
46 discussed -- has been discussed has been called
47 extraterritorial jurisdiction. And within the proposed rule
48 there's acknowledgement of the Secretary's authority to extend
49 jurisdiction off Federal lands. It is an authority that has

50 been in the Secretary of Interior and the Secretary of

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1 Agriculture's office and that authority will remain there. It
2 is not delegated to the Federal Subsistence Board. However,
3 the Board will have the -- has the role to identify issues and
4 raise them to the Secretary's attention.

5
6 Another topic was customary trade. And within the
7 proposed rule there's acknowledgement of customary trade as a
8 legitimate subsistence use as long as it does not constitute a
9 significant commercial enterprise.

10
11 And finally, a basic provision of the proposed rule is
12 it is an adoption in general of the current State subsistence
13 fishing regulations. This is done in a pattern very similar
14 how to the existing wildlife program began eight years ago, and
15 by adoption of the current State regulations, if the process
16 continues forward and the Federal program does expand into
17 fisheries management, we will pickup a very similar process to
18 what we do with wildlife. Whereby the Council and the public
19 will have the opportunity to submit proposals for consideration
20 to change the regulations. Now, I know this Council made some
21 very specific recommendations to be included in the proposed
22 rule and those, to the best of my knowledge, have been
23 included. It is something to check at such time as the
24 proposed rule gets published to ensure that the changes the
25 Council made were included as suggested.

26
27 The current status is that the Federal program has been
28 prohibited from implementing a program due to a Congressional
29 moratorium. The Congressional moratorium was included in the
30 1997 Federal budget. I just found out today that the Interior
31 budget will not be passed by tomorrow and therefore, we will be
32 working on a continuing resolution. Which basically, the
33 current budget is being extended -- our budget level is being
34 extended through October 23rd and all of the provisions and
35 restrictions that were in the '97 budget are attached to the
36 continuing resolution. So the moratorium language will
37 continue, at least, until October 23rd.

38
39 The Interior budget is in final stages of negotiation.
40 We do not know if there will be moratorium language included in
41 that budget. All I can share with you is what I heard on the
42 radio this morning and what I've read in the paper. I have no
43 magic insight into this. There has been, in the media some
44 discussion of a short term or a limited type of moratorium and
45 there has been reference to negotiations going on between the
46 Secretary of Interior and Senator Stevens. I have no idea what
47 will come out of this, but that's what has been reported.

48
49 CHAIRMAN THOMAS: Can you give us some idea of the

50 language of the resolution?

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1 MS. MEEHAN: The continuing resolution. The specific
2 language is very brief in it -- I don't know the specific
3 language, but it says that the existing provisions and
4 restrictions included in the 1997 budget will be included and
5 applied to the continuing resolution. So it basically just
6 picks up everything that was in the '97 budget and attaches it
7 to the continuing resolution. And the continuing resolution is
8 simply that the agencies will be funded at the same level that
9 they were funded last year. So we have operating money and
10 that's about it.

11
12 If the next steps on the program if the moratorium is
13 lifted is that there would be publication of a proposed rule
14 and that would follow -- be followed by public hearings held
15 around the State and an opportunity for public comment. It
16 would be a minimum of a 60 day comment period. That would be
17 followed by preparation and publication of a final rule. And
18 it is expected that implementation of the court's decision
19 would occur later in 1998. That's assuming all of this gets
20 started sometime in October. And we just don't know right now
21 what any of the dates are going to be.

22
23 Currently there is no budget, no Federal budget for
24 expansion of the program in the 1998 budget. That's something
25 that would be subject to negotiation. It's real clear,
26 however, that Regional Councils will remain a prominent element
27 in the program and will be very involved in the fisheries
28 aspect should the program do the expansion. It's likely that
29 the basic pattern of Regional Council involvement in the
30 wildlife program would be carried over into the fisheries
31 program, although the timing during the year would be different
32 with basically the fisheries proposals being addressed in the
33 fall, while wildlife proposals would be addressed in the winter
34 so to accommodate the fishing season.

35
36 And that's basically what I have to share with you
37 today. I'd be glad to try and address any questions that the
38 Council may have.

39
40 CHAIRMAN THOMAS: Questions. John.

41
42 MR. VALE: We were presented with some language, the
43 draft proposed rule last year.

44
45 MS. MEEHAN: Yes.

46
47 MR. VALE: And I was wondering if that proposed rule
48 has been drafted at this time and what the changes are from
49 that draft of proposed rule and if that's available?

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1 MS. MEEHAN: It's not available right now. That's --
2 the latest version of the draft proposed rule is awaiting the
3 Washington level negotiation that's going on right now. As far
4 as the -- I don't know the current version well enough to know
5 what the changes are between the two -- between what you saw
6 last spring and the current version in Washington. Although, I
7 can say that the differences are not -- I was going to say,
8 they're not significant, I don't believe there were many
9 changes. The one change that I believe happened to the two
10 versions had to do with the extraterritorial jurisdiction. And
11 in one of the earlier drafts of the rule, it was proposed that
12 that extraterritorial jurisdiction authority be handed down to
13 the Federal Subsistence Board. And subsequent to that, a
14 decision was made that that's authority that should remain in
15 the Secretary's office. So that's the only significant change
16 I know and I'm not sure if it was between those two versions.

17
18 MR. VALE: Would you clarify what that extraterritorial
19 jurisdiction aspect is about?

20
21 MS. MEEHAN: What it pertains to is that if there is an
22 activity taking place on non-Federal lands and that means
23 private or State, that is effecting resources on Federal lands
24 for which the Federal government has jurisdiction or has
25 management authority, then the Federal government has the
26 authority to extend their management off Federal lands to limit
27 activities that are effecting the Federal resources.

28
29 MS. McCONNELL: Can you give an example?

30
31 MS. MEEHAN: You know, the example that keeps coming up
32 is one that's really controversial and I sort of hate to use
33 it. But I might as well because it's the one that jumps to
34 everybody's mind, it's False Pass and the -- you didn't think I
35 would do that, did you?

36
37 The way False Pass gets used in this setting is to --
38 there is concern on the Yukon River that fishing that's under
39 State regulation down in the False Pass area is limiting the
40 number of chum salmon that are returning to the Yukon drainage.
41 And if that's the case and if that can be proven beyond a
42 shadow of a doubt, then theoretically, the Federal government,
43 if they're managing subsistence -- specific subsistence
44 fisheries on the Yukon River, may have the authority to somehow
45 put limits on the False Pass fishery. That's an example that
46 gives you the theory of it. The actual amount of information
47 and documentation that would be required to make a case like
48 that, in my opinion, and this is strictly my opinion, would be
49 pretty extensive. And I would note, particularly with

50 reference to this example, that that's an issue the State's

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1 been working on with tremendous energy and experience and
2 everything else in trying to look for ties and manage the
3 fishery in a very responsible fashion. So I just use it
4 because it's one that gets raised a lot in the -- I would say
5 in the popular mystique. But it is one, that once you get down
6 below the surface, there's really a lot more going on.

7
8 MS. McCONNELL: Yeah.

9
10 CHAIRMAN THOMAS: John.

11
12 MR. VALE: Just so I'm clear on it then, so you're
13 saying that the language that extends this authority that was
14 in the draft proposed rule, that that language has been deleted
15 then out of the proposed rule, it's no longer there?

16
17 MS. MEEHAN: No. It has not been deleted out of the
18 proposed rule. The way that the proposed rule handles it is
19 that there is a recognition that this type of authority, this
20 extraterritorial jurisdiction has always existed, it is an
21 authority within the Secretary of Interior's office and that
22 that's where the authority will remain.

23
24 And at one time it was proposed that that authority
25 specifically for subsistence be passed down to the Federal
26 Subsistence Board, and that decision was changed. And so the
27 authority is going to remain at the Secretary's level. So the
28 authority is still there, it's something that has always been
29 there. There's a fairly significant cas law, largely from the
30 Lower 48, that backs up that authority.

31
32 MR. VALE: Okay.

33
34 MS. MEEHAN: So it's just an acknowledgement of it.

35
36 MR. VALE: All right, thank you.

37
38 MS. MEEHAN: Dolly.

39
40 CHAIRMAN THOMAS: Dolly.

41
42 MS. GARZA: I guess this isn't so much as a question to
43 you, but Mr. Chairman, I would like to consider adding, perhaps
44 under new business, which is where we would take action, a
45 response to Babbitt through resolution because, while we
46 anticipated something would happen October 1st, it appears that
47 it will not because of the moratorium on the fiscal process or
48 the postponement of that until October 23rd. So I think that
49 gives us a window of opportunity. And although I know that AFN

50 has taken a position and that other Native bodies I have, I

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1 think it would be very good for, if not all of the Regional
2 Councils, at least this Regional Council, to get a message
3 back.

4
5 So I would add it to new business H, Subsistence
6 Resolution to Babbitt.

7
8 MS. PHILLIPS: Good.

9
10 MR. VALE: Mr. Chairman.

11
12 CHAIRMAN THOMAS: John.

13
14 MR. VALE: Yeah, another question for you listening to
15 your report there. Could you go over it again for me, if you
16 would, the time line for implementing regulations, assuming you
17 get that far? It sounded like you said it would be '98 before
18 that authority would actually be in existence? I'm not quite
19 sure I understood that part.

20
21 MS. MEEHAN: Okay. I'll go through the steps involved
22 and give you a rough time line with them and see if this helps
23 and I'm going to do it as if something was published in
24 October. And then that way if it's extended, then you can just
25 kind of keep adding on time.

26
27 MR. VALE: Yes.

28
29 MS. MEEHAN: So the next step that would happen would
30 be publication of a draft proposed rule in the Federal
31 Register. And if that occurred in October -- a draft proposed
32 rule is followed by a public review and comment period and that
33 would be a minimum of 60 days. So if it was published in
34 October, that means you basically have November and part of
35 December as a comment period. During that comment period,
36 there would be public hearings held throughout the State and
37 those would be in regional centers. So it would be an
38 opportunity for people to provide written comments as well as
39 attend public meetings and provide oral testimony.

40
41 At the close of the comment period would be time to
42 review comments and incorporate them into a final rule, which
43 would be published sometime in early 1998. And it is
44 anticipated that the program that -- that publication of a
45 final rule would begin implementation to the program and that
46 would be, on this time schedule, roughly in March 1998. The
47 way that would fit into a Council schedule is that the final
48 rule would basically be out and it would be in effect for a
49 year to provide people an opportunity to fish under Federal

50 regulations and develop proposals to submit for consideration

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1 to change the regulations in the following year. So there
2 would -- so proposals for change would not occur until 1999, if
3 you think about it in terms of how the wildlife stuff is
4 handled. But that's when that that process would start.

5
6 MR. VALE: Thank you.

7
8 MS. GARZA: Mr. Chairman.

9
10 CHAIRMAN THOMAS: Dolly.

11
12 MS. GARZA: So the other question in terms of that
13 process is, of proposals that would come in and this question
14 may not be to you, but it needs to be answered, would we start
15 with the backlog of proposals that have been submitted on
16 fisheries that are either direct proposals for regulations or
17 for C&T? Would those be the first that would automatically
18 come up?

19
20 MS. MEEHAN: The intention would be to look at those
21 first and frankly, this is something we have not, as people who
22 work in the program, having a chance to sit down and really
23 think about it. The very preliminary discussions we've had to
24 date is, include ideas such as bringing those backlog proposals
25 back in front of the Council just as a check to make sure
26 they're still viable issues that need to be pursued. They're
27 not forgotten by any means. But we would want to at least
28 check with the Council on them again.

29
30 MR. GEORGE: Mr. Chairman.

31
32 COURT REPORTER: Wait, wait, microphone.

33
34 CHAIRMAN THOMAS: Gabe.

35
36 MR. GEORGE: It's just a comment. When I was home I
37 was watching C-Span and they were voting on the Secretary of
38 Interior's budget and I don't remember if it was the House or
39 the Senate version, but it was something in the neighborhood --
40 well, the same as last year, I didn't think they had any
41 significant increase, but I did note that half of the budget
42 was for Fish and Wildlife regulations and management. If
43 that's the case, then obviously, you know, want to mention that
44 and kind of indicate -- I don't really know, but if they didn't
45 make a change, how is the -- how is management of the
46 subsistence fisheries going to take place without an increase
47 in budget, you know? Or is that something, like you said,
48 they're going to negotiate out? I don't see how they can
49 negotiate anything when they have the same amount budgeted this

50 year as they did last year.

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1 MS. MEEHAN: Fortunately, I don't personally walk in
2 those financial realms so I don't have to deal with this
3 directly. The one thing that I can say is that agencies do
4 have the ability to set their priorities. And if subsistence
5 was something that all of a sudden became a higher priority
6 than something else on the books, then it happens. And so --
7 frankly, as far as -- as concern to the budget, I've been with
8 the government nearly 20 years and when something happens and
9 it has to be done, the money's there. And so it's just -- you
10 know, the lowly bureaucrat view, but.....

11
12 MR. GEORGE: All right. Thanks.

13
14 MS. MEEHAN: Yeah.

15
16 CHAIRMAN THOMAS: Are you sorry you asked? Anymore
17 questions? Thank you.

18
19 MS. MEEHAN: You're welcome.

20
21 MR. CLARK: Mr. Chairman.

22
23 CHAIRMAN THOMAS: Fred.

24
25 MR. CLARK: I just have one little piece of information
26 to add to that specific to Southeast. The communities in which
27 the hearings would take place for the public hearing portion
28 following the release of the draft proposed rule; we're hoping
29 to get those communities lined out and identified within the
30 next couple of weeks. It's kind of a rough list, it consists
31 of Juneau, Sitka, Ketchikan, Petersburg and Wrangell, some
32 reason they're combined on the list, Cordova, because this is a
33 Forest Service list, and Yakutat. I have suggested already
34 that they include Craig/Klawock area for a hearing. And
35 Council members can let me know or other people in the program
36 know if they think that that list is incomplete, if it should
37 be expanded or if it's too large. Just let me know and I'll
38 pass it on.

39
40 CHAIRMAN THOMAS: Okay, thank you.

41
42 MR. VALE: Mr. Chairman.

43
44 CHAIRMAN THOMAS: John.

45
46 MR. VALE: Yeah, I have a question, I guess, and I
47 don't know for sure who to direct it at, somebody with the
48 Forest Service, I guess. But at our Council meeting when we
49 addressed the draft proposed rule we made some comments that

50 were forwarded in the form of a letter, a fairly lengthy one,

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1 some specific comments where we raised concerns about the
2 position of the Forest Service, that there weren't any reserved
3 waters on the Tongass. And we expressed concerns about
4 numerous subsistence resources not receiving protection as a
5 result of that. And I'm wondering what we have in a way of
6 response to those comments, and also I feel that we need to
7 have a discussion about that -- the fact that there's no
8 reserved waters on the Tongass, that position, so can anybody
9 respond to that?

10
11 MR. CLARK: Part of the response is that there are
12 reserved waters on the Tongass and that's shown on these maps
13 as Rosa explained, in the red. Those waters are being
14 considered reserved waters. As I recall, the specific language
15 that was put together by the Council and forwarded to the Board
16 was integrated into the proposed rule.

17
18 MS. MEEHAN: Yeah, I think it is.

19
20 MR. CLARK: Yeah, because they were very specific
21 comments having to do with very specific locations and very
22 specific streams. Those were incorporated either wholly or
23 almost wholly into the proposed rulemaking. No pun intended to
24 make those sound like they're of religious import.

25
26 MR. VALE: I guess what I'm thinking about is our
27 discussion about the beach resources, those areas below mean
28 high tide, which my reading of the draft rule did not include
29 those areas. And I know there was a lot of concern among
30 Council members, that because of the importance of those areas
31 to subsistence, there was a lot of concern about the position
32 that there's no reserved waters below mean high tide.

33
34 MR. CLARK: There are some areas that are in the
35 intertidal zone that are included in reserved waters because of
36 the way the -- where it's defined from headland to headland in
37 some waters. And I'm not familiar enough with the streams
38 specifically, but there are some of those that do include the
39 -- kind of the intertidal zone.

40
41 MR. VALE: Okay, that.....

42
43 MR. CLARK: We would have to look at those
44 specifically.

45
46 MR. VALE: For the most part though, that doesn't help
47 us out much in Southeast Alaska since, you know, the beach
48 resources that everybody depends on are not receiving
49 protection. I mean I don't see any red anywhere below mean

50 high tide in the marine environment here other than a few

0042

1 isolated examples like -- you know, that you just referred to.

2

3 MR. CLARK: Um-hum.

4

5 MR. VALE: And I guess, personally, I'm concerned about
6 that. And I feel like, we, as a Council, should ask the Forest
7 Service to justify their position that these waters are not
8 included as reserved water in the Tongass and the legal frame
9 work for coming to that decision and I think we should be
10 reviewing that decision. I don't have that information and I
11 can't personally say, what it should or shouldn't be, but I
12 think we need to review it. Because I feel very strongly that
13 these resources are important and should be protected by
14 ANILCA.

15

16 CHAIRMAN THOMAS: Dolly.

17

18 MS. GARZA: Mr. Chairman, this is Dolly. And I concur.
19 I guess the problem I have is we're hearing on the one hand
20 that the proposed regulations which will go out if the
21 moratorium ends or something happens over in D.C. Those
22 proposed regulations fairly mimic the existing State
23 regulations, however, Southeast Regional Advisory Council
24 worked, I think at two meetings, to make changes to those
25 regulations because we felt that the Southeast portion of the
26 State regulations were not adequate. So it's sort of hard to
27 know when we hear this, whether or not our concerns actually
28 made it into those proposed regulations or whether or not they
29 just said, thanks for writing, these are the State regs anyway.

30

31 MR. VALE: Well, I guess, Mr. Chairman, I would make a
32 motion that we request from the Forest Service to present us
33 with their justifications for where reserved waters exist on
34 the Tongass so that we can review that. And as a part of that,
35 I'd like to have all the enabling legislation and subsequent
36 proclamations that have occurred effecting the Tongass
37 available to us for review.

38

39 CHAIRMAN THOMAS: You heard the motion, is there a
40 second?

41

42 MS. McCONNELL: Second.

43

44 CHAIRMAN THOMAS: It's been moved and seconded.
45 Discussion.

46

47 MR. FELLER: Question.

48

49 CHAIRMAN THOMAS: Question's been -- Dolly.

0043

1 MS. GARZA: Just a second.

2
3 CHAIRMAN THOMAS: Okay.

4
5 MS. GARZA: I'm not sure if this will cover it, John,
6 but I was thinking maybe an amendment that would also ask for a
7 response to the recommendations we submitted from the Kake
8 meeting. So if there may be this legal glitch that these
9 proposed regs cannot come out until something happens in D.C.,
10 that we could at least get some indication whether or not our
11 proposed changes had some type of meaning in what will come
12 out.

13
14 MR. VALE: I'd consider that a friendly amendment to
15 the motion.

16
17 MS. GARZA: Okay.

18
19 CHAIRMAN THOMAS: What do you mean a friendly
20 amendment?

21
22 MR. VALE: As long as there's no objection, then it's
23 accepted.

24
25 CHAIRMAN THOMAS: Robert doesn't have that in his book,
26 no friends. Okay, I heard a call for the question. All those
27 in favor say aye.

28
29 IN UNISON: Aye.

30
31 CHAIRMAN THOMAS: Those opposed.

32
33 (No opposing responses)

34
35 CHAIRMAN THOMAS: Motion's carried.

36
37 MS. McCONNELL: Mr. Chairman.

38
39 CHAIRMAN THOMAS: Mim.

40
41 MS. McCONNELL: I had some items that I wanted to add
42 to other new business also, there's four of them.

43
44 CHAIRMAN THOMAS: That's in there, I've got them down.

45
46 MS. McCONNELL: Well, I just wanted to let the other
47 Council members know what they are so they can be pondering on
48 them. One is to write an intervention letter on behalf of the
49 tribes that appealed TLMP. There was -- subsistence was the

50 basis of their appeal, I guess. And then the second one is to

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1 talk about Council involvement with the Forest Service in
2 planning timber sales, or if we can't do that, then I have a
3 copy of a possible kind of a form letter that could be used by
4 the Council to send in commenting on proposed timber sales. So
5 anyway, we need some discussion about that. And then another
6 item is to send a letter to President Clinton and the
7 Congressional Delegation opposing the Road Credits vote that
8 occurred recently. And also number four, a proposal to work on
9 a proposal for the Board of Fish concerning the incidental
10 bycatch of chinook and its use.

11
12 CHAIRMAN THOMAS: Thank you. Okay, that takes us down
13 to D, Task Force report. Sue.

14
15 MS. DETWILER: My name is Sue Detwiler. I work for
16 Fish and Wildlife Service, Office of Subsistence Management in
17 Anchorage. And this agenda item is basically a status report
18 on Board restructuring and it's also an opportunity for the
19 Regional Council to comment on how the Board should be
20 restructured if the Council thinks it should be restructured.

21
22 As Bill commented on earlier today, the issue of
23 restructuring the Federal Subsistence Board has emerged a
24 couple of times in the last several years or so. The Northwest
25 Arctic and Seward Peninsula Regional Councils originally sent
26 recommendations in their annual reports to the Secretary of
27 Interior recommending that the Board be totally restructured to
28 include only the representatives from each of the Council and
29 not include any of the agency heads, which are now on the
30 Board. The rationale for that request was that the agency
31 directors don't have sufficient subsistence experience to be
32 responsive to Regional Councils.

33
34 The Seward Peninsula Regional Council subsequently
35 reiterated that request in 1996 and after that the collective
36 Regional Council heads, in a collaborative meeting, also
37 forwarded that request that the Board be completely
38 restructured in 1996. This year, as Bill mentioned, in April
39 of 1997, the Board Chairs convened in their work session and
40 revised their request or their recommendation so that their
41 recommendation to the Board at that time was to restructure the
42 Board so that it includes the existing Board, and at least one
43 representative from the Regional Councils. The Board met with
44 the Regional Council Chairs in a work session on April 7th, and
45 they discussed the issue of restructuring. Some of the Board
46 members agreed that maybe it was time for the Board structure
47 to be revisited so they established a task force. As we noted
48 earlier, the Task Force is composed of Mitch Demientieff, Bill
49 Thomas, Jim Caplan from the Forest Service and Dave Allen from

50 Fish and Wildlife Service. And the purpose of the task force

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1 was to explore options for Board restructuring. Bring some
2 options to the Regional Councils at these fall meetings to
3 discuss and make recommendations on and then after the Regional
4 Councils have evaluated the issue, to have the task force
5 reconvene and make a recommendation to the Board.

6
7 The task force did meet in June of this year. They
8 were provided with some background information on some of the
9 legal parameters, as well as alternative Board structures that
10 might be considered. And they were also given examples of some
11 existing boards that allocate fish and wildlife in Alaska. The
12 task force also identified two pretty significant constraints
13 in restructuring. One had to do with delegation of regulatory
14 authority. The task force wanted the Board to retain their
15 regulatory authority so that -- in other words, that the final
16 decisionmaking authority would reside here in Alaska with the
17 Board, rather than being transferred someplace out of State.
18 To do that, Federal regulatory authority cannot be delegated to
19 non-Federal employees. So that means that in order for the
20 Board to retain its regulatory authority, it has to be composed
21 of Federal employees so that kind of limits how the Board can
22 be restructured. A concern that was raised along those lines
23 was that Mitch was -- is temporarily appointed as a Federal
24 employee, he's not a full-time employee like the rest of the
25 agency members on the Board are. His temporary appointment
26 back in Washington, D.C., did raise some eyebrows. It's kind
27 of an anomaly, it's something that's not normally done. There
28 was concern that if we bring the issue back to Washington,
29 D.C., of appointing a lot more non-Federal employees to Federal
30 status just for the purpose of serving on a regulatory board,
31 that might put Mitch's position in jeopardy. So that was one
32 of the concerns that was raised by the task force. So
33 retaining regulatory authority was one of the constraints that
34 the task force identified.

35
36 And the second constraint was in establishment of new
37 advisory committees. If the Board were to be restructured so
38 that it were composed of non-Federal employees, it would have
39 to become an advisory committee. But there is some fairly
40 major hurdles to overcome in order to become an advisory
41 committee. One of which is that each agency -- each Federal
42 agency has a certain number of advisory committee slots that it
43 can fill. If it wants to create a new advisory committee, it
44 has to get rid of one that already exists if its number of
45 spots is already filled. The second major constraint in
46 creating a new advisory committee was that a new advisory
47 committee cannot duplicate existing advisory committees. There
48 was concern that if the Federal Board were to become an
49 advisory committee it would replace or be duplicating the

50 function of the existing advisory committees.

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1 So given those two constraints, the task force came up
2 with three alternative Board structures for the Regional
3 Councils to consider and comment on.

4
5 One was to retain the existing Board, which is simply
6 the five agency heads as well as the -- one of -- the Chair
7 appointed by the Secretary, who is Mitch. The second option
8 would be the one that the collective Regional Council Chairs
9 came up with, which was the existing Board, plus at least one
10 Regional Council Chair nominated by the collective Council
11 Chairs. And the third option was to have the existing Board,
12 plus one subsistence user, plus one representative nominated by
13 the Governor.

14
15 So the task force is basically laying out those three
16 alternative Board structures for you to comment on or if you
17 want to suggest another Board structure, that's certainly
18 within your prerogative as well. So the next steps will be for
19 all of the Councils to comment on Board restructuring. The
20 task force will review all the comments and then take its
21 recommendation back to the Board. And the task force did want
22 to make clear that it won't recommend any Board restructuring
23 that would be detrimental to subsistence uses.

24
25 CHAIRMAN THOMAS: Okay. Did you have more?

26
27 MS. DETWILER: No.

28
29 CHAIRMAN THOMAS: What was the intent now? Were you
30 wanting to take something back from -- some action of this
31 Council with regard to these recommendations or additional
32 recommendations?

33
34 MS. DETWILER: If you want to comment on Board
35 restructuring in general or if you want to comment on any of
36 the three options you can do that. It would be helpful for the
37 task force, and ultimately, the Board to know what the
38 Council's feelings are about Board restructuring. Whether it
39 should be pursued now, you know, if it should, which one of the
40 options it thinks would be the best.

41
42 CHAIRMAN THOMAS: Okay, thank you. What's the wish of
43 the Council? Dolly.

44
45 MS. GARZA: Mr. Chairman, I did attend the meeting in
46 Anchorage where this was initially discussed prior to the task
47 force coming together. And in reviewing this document this
48 morning, I would have no problem supporting alternative two,
49 which would, in effect, add somebody from the Regional Council

50 to the Federal Subsistence Board. So that would be an addition

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1 of one person.

2

3 I think that putting aside the legal issues around
4 alternative one, where we would have all of the Chairs as the
5 Federal Subsistence Board, some of the concerns that I have are
6 more that it would reassemble the Board of Fisheries or the
7 Board of Game over time, where it would be a political
8 appointee and could some day take action similar to the Board
9 of Fish or Board of Game where it may not always be in favor of
10 subsistence. And I don't see that type of aggressive action
11 taken by the present Board which is composed of the Federal
12 employees on the Board.

13

14 So if we were to take action, I would support
15 alternative two, but I'm not sure if the rest of the Council
16 would have to look at this again before they felt they could
17 either discuss or take action.

18

19 CHAIRMAN THOMAS: Did you read the implications? Mim.

20

21 MS. McCONNELL: Yeah, Mr. Chairman, I was curious about
22 the fact that the Regional Council person that would be
23 appointed under alternative two would not be a Federal
24 employee, I believe that's correct. And so does that mean that
25 the Board is no longer considered a viable regulatory body? In
26 other words, can we even do this? I mean what -- maybe you
27 could speak to that Sue.

28

29 MS. DETWILER: As I mentioned, having temporary
30 appointments of non-Federal employees just for the purposes of
31 serving on a regulatory body, that's new ground. We're not
32 sure how having one more non-Federal employee appointed or two
33 more appointed would jeopardize the process. But the more non-
34 Federal employees that you have temporarily appointed, the
35 higher your chances are of having the whole process subverted.

36

37 MS. McCONNELL: I thought that Mitch was -- I thought
38 you said that he was a part-time Federal employee or something?

39

40 MS. DETWILER: The only time he's a Federal employee is
41 when he's acting on the Board.

42

43 MS. McCONNELL: Okay.

44

45 MS. DETWILER: So maybe two weeks, at the most, of the
46 year.

47

48 MS. McCONNELL: Would that happen also to the Regional
49 Council person that was appointed? Wouldn't they also become a

50 part-time Federal employee?

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1 MS. DETWILER: Yes, they would. But the more -- it
2 basically circumvents the intent of the law which is to make
3 sure that Federal regulations are within the purview of the
4 Federal agencies and not simply delegated out to citizen's
5 groups. And so by appointing -- giving the appearance of
6 circumventing the system by appointing citizen's makes it looks
7 like you're circumventing the intent of the law.

8
9 MS. McCONNELL: Um-hum.

10
11 CHAIRMAN THOMAS: Now, intent is a good word. What was
12 the initial intent when this whole concept was put together? I
13 know there was an -- there was an interim. I was wondering
14 what they had in mind for an interim?

15
16 MS. DETWILER: Interim?

17
18 CHAIRMAN THOMAS: Interim period of time of needing
19 this process because it should have settled with the State a
20 long time ago?

21
22 MS. DETWILER: Are you speaking in terms of the
23 existing Federal Subsistence Board? Or interim, in terms
24 of.....

25
26 CHAIRMAN THOMAS: Interim, I mean this Board didn't
27 exist until it was created a couple of years ago.

28
29 MS. DETWILER: Eight years.

30
31 CHAIRMAN THOMAS: What was the idea of the people that
32 made the appointments? How long were they anticipating that
33 this would be needed?

34
35 MS. DETWILER: The intent in creating the Board
36 initially was that the Federal agencies were going to have
37 responsibility for subsistence only for a short time. I don't
38 -- I was there at that time and I don't recall anybody ever
39 pondering that it would have lasted for this long and I think
40 that was part of the reason why some of the Board members are
41 now thinking that it might be worthwhile to examine whether the
42 existing Board structure is still appropriate.

43
44 CHAIRMAN THOMAS: Yeah. I think they were looking at
45 two years on the outside, you know, and this is what, five or
46 six years now?

47
48 MS. DETWILER: Since 1990.

49

CHAIRMAN THOMAS: Yeah. Mim.

0049

1 MS. McCONNELL: What would happen if it was decided --
2 so let's say we went with alternative two, a Council Chair was
3 appointed to the Board and subsequently it's -- the higher ups
4 decide that, okay, this is no longer -- this can no longer be
5 considered a regulatory body, would the Federal Subsistence
6 Board at that time become just an advisory body? And then if
7 that were the case, who would be making the final decisions
8 that the Board is making now?

9
10 MS. DETWILER: If that were the case, it's likely that
11 the decisionmaking would be transferred back to the -- it's
12 ultimately the Secretary's responsibility. Therefore, the
13 responsibility would probably move up the chain of command. If
14 it weren't going to be made by Secretary's of Interiors and
15 Agriculture's representatives here, it would go back somewhere
16 to Washington, D.C.

17
18 MS. McCONNELL: Um-hum.

19
20 MS. DETWILER: And I think that if it looked like -- as
21 the process for restructuring the Board unfolded, you know, if
22 it looked like all of the Councils and everybody else who was
23 involved decided that it would be best to restructure it so
24 that it had at least one Regional Council representative on it
25 or maybe more, and everybody agreed that that was the best
26 scenario for subsistence users, I think that before the process
27 unfolded too much, there would be some checking with people
28 back in D.C., to check signals to see what the likelihood would
29 be of the Board retaining its regulatory authority here in
30 Alaska. And if it looked like that wouldn't be possible, then
31 I don't think that the Board members would want to see that
32 process come to an end.

33
34 CHAIRMAN THOMAS: I think we ought to do it as
35 bureaucratic as we can. And that's to send the hypothetical
36 arrangement to the Secretary of Interior saying, this is what
37 we're going to do and wait and see what he says when he comes
38 back -- well, if you do this, this is what's going to happen,
39 rather than trying to out think them. I mean that's what they
40 do with everything else. Fire a blank and see what happens.

41 Mim.

42
43 MS. McCONNELL: I have another question related to all
44 this. I'm just thinking about the compensation of Council
45 members, that other issue. If that was approved, would not we
46 become Federal employees, Council members? And therefore, if a
47 Council member were appointed to the Board, would not that
48 Council member be a Federal employee already?

49

MS. DETWILER: I think compensation and service as a

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1 Federal employee are two separate issues. I'm not a personnel
2 person so I can't speak to it.

3

4 MS. McCONNELL: I mean it even mentions a range that --
5 range 12 or something like that, you know?

6

7 MS. DETWILER: If a person were to be hired and
8 recognized as a Federal employee, they have to go through the
9 Civil Service hiring procedures. And Regional Council members
10 don't.

11

12 MS. McCONNELL: Um-hum.

13

14 MS. HILDEBRAND: I'm Ida Hildebrand, Staff Committee
15 member from the Bureau of Indian Affairs. In response to the
16 compensation question, in the materials that were submitted for
17 consideration to the task force, the language that was
18 submitted was that if the members of the Regional Council were
19 to be compensated, they would not be treated as Federal
20 employees except for per diem and for travel and for injuries
21 and that sort of thing and it wouldn't be full scale Federal
22 employment.

23

24 CHAIRMAN THOMAS: Thank you.

25

26 MS. PHILLIPS: Mr. Chairman.

27

28 CHAIRMAN THOMAS: Patti.

29

30 MS. PHILLIPS: I was wondering if the new member could
31 be a non-voting member? If that would meet the regulatory
32 authority?

33

34 MS. DETWILER: I don't know that the task force
35 discussed that. I think that might not satisfy the intent of
36 what the Council Chairs wanted. They wanted to have Regional
37 Council Chairs as actual voting members. And in fact, the
38 Regional Council Chairs do serve in a pretty close relationship
39 with the Board. At the Board meetings, they do sit up at
40 tables alongside the Board members. And so they -- you know,
41 they're not quite non-voting members, but they're, you know, at
42 the table, so to speak, you know, they just don't have a vote.

43

44 CHAIRMAN THOMAS: We're non-voting Chairs. We're at
45 present non-voting, so we're not members. John.

46

47 MR. VALE: Mr. Chairman, I'd be very much interested in
48 hearing your thoughts on this matter?

49

CHAIRMAN THOMAS: Well, I like Option 1. I like it the

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1 way it is. Because if you make any changes, I know the make-up
2 of the advisory councils around the State, and we'd be dealing
3 with different elements among there. Because some people have
4 a tendency to put elements into a situation that don't belong
5 there. I think the way it is now is working well. Like Sue
6 says, whatever we discuss -- you know, whatever we arrive at
7 here makes it to the Board level, and we get a good chance to
8 go through all the analysis of how our decisions were arrived
9 at, their implications, submit it to the Board. For the most
10 part, they've been very supported. And when they haven't been
11 supportive, they've had real good reason not to be.

12
13 So I haven't found any reason, personally, to be
14 unhappy. A lot of things I bring to you, I bring to you
15 because I'm a member of the 10 people around the State that
16 brought these concerns out. We try to be, at least,
17 cooperative, if we're not going to be so supportive, be
18 cooperative in getting the point across anyway. But I've
19 always been an advocate of Option 1 because -- and more so
20 after I listened to the different options explained to us.
21 That if you want to get -- nobody can make it cumbersome like
22 the Federal government. I mean we could make quicksand
23 anyplace, and I don't think we need to do that.

24
25 So I'm happy with Option 1. If the Council here has
26 any reason to not be satisfied, if something has happened so
27 far, by all means, consider a change, you know. Gabe.

28
29 MR. GEORGE: Yeah, a couple things. One is, you know,
30 like the North Pacific Fisheries Management Council has
31 appointees, you know, and they make rules and regulations on
32 fish regulations all the time, and they're part of the public.
33 I know there's a processor, you know, private individuals,
34 senators and everybody else is appointed. And I think where we
35 have come from from the State, when the State had Fish and Game
36 Advisory Committees, that was something that was wrong with
37 what we were dealing with, is that the State advisory committee
38 system and the board system was made up of commercial fishermen
39 and sport fishermen and hunters and guides and all that and no
40 subsistence persons were on that actual regulatory board or
41 council; and we fought for change and we demanded change and we
42 got change. The change that we got is that we got a Regional
43 Council made up of subsistence users throughout Southeast
44 Alaska and all the rest of the State. What we didn't get was a
45 subsistence user, other than the Chairman, on the actual Board
46 that makes regulations. So where are we? You know, we are in
47 a place where we have people who may have lived in Alaska or
48 may have lived in California or may have lived in other places
49 that happen to be promoted up the chain of command in the

50 different agencies that are making rules and regulations about

0052

1 things that we were complaining about when we were under the
2 State regulatory system of not having a subsistence person
3 sitting there making decisions about subsistence uses of things
4 that were of great concern to the people of Alaska, rural and
5 urban alike.

6
7 To be placed in a situation where we vocalize something
8 and, in deed, we can and do, but still, the decisionmaking
9 process is made by somebody who hasn't lived that life, knows
10 the implication of -- the ramifications of rules that are made
11 have on our people and people throughout Alaska. We're looking
12 at 375 million acres. And I think the question that the State
13 has come up with or the discussion and argument that the State
14 has come up with in having a professional board manage our
15 fisheries and our game, and that's kind of what -- short of
16 what we have, it's not really a professional board of
17 subsistence users making rules and regulations on subsistence
18 issues, but they're a professional board, in that, they have a
19 profession. And maybe they may have gotten it in recreation.
20 They may have gotten it in civil culture or forestry
21 management, logging industry. But not really in subsistence
22 activities. So it seems crazy to me to have this discussion
23 around here saying that we're happy with what's happening even
24 though it was a temporary solution to a problem that the State
25 had encountered because they did not -- they did not recognize
26 or could recognize the subsistence uses in the villages, which
27 are not individual uses but community uses and household uses
28 that the State couldn't handle because they're more focused in
29 on individual uses and the sport user's use of the resource.

30
31 So there is a problem that's basic to the subsistence
32 resource use in Alaska that we're trying to talk about and
33 restructure of the Board that makes those decisions. And I,
34 for one, am not for the status quo. I'm not for people who
35 don't know what's happening to the people that I deal with or
36 meet with everyday on the street and have them make the rules
37 and regulations. Everybody has their own opinion and certainly
38 can vocalize it. And I certainly can vocalize mine and that's
39 where it's at. I think, you know, yes, there's always new
40 territory we're going into. ANILCA was new territory.
41 Creating corporations -- making corporations with Alaska
42 Natives or the Indigenous people of Alaska was new territory.
43 So I'm not afraid of new territory especially when the people
44 of the region benefit and are not hurt by the new territory we
45 go into.

46
47 And the amount of the resource that is used, everyone
48 has always heard, you know, the percentage wise what
49 subsistence resource user's use versus the commercial and

50 sports. So that's my opinion on what the task force has come

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1 up with and what I think about a professional board, a
2 subsistence user board or a temporary appointees or the rules
3 and regulations of the Federal government and what they used to
4 do or like to do.

5
6 Thank you.

7
8 CHAIRMAN THOMAS: Okay. Good job.

9
10 MS. McCONNELL: Could I ask what he recommends?

11
12 CHAIRMAN THOMAS: Now, wait a minute let me respond to
13 that.

14
15 MS. McCONNELL: Okay.

16
17 CHAIRMAN THOMAS: See, Gabe, you made a response that
18 was based on a bad experience in another situation. What
19 happens now, the Board does not -- they do not make the
20 regulations. They either approve or reject recommendations
21 around regulations that come from these Councils. We haven't
22 lost one yet. And these books you got in front of you now,
23 those regulation books, have all been generated as Regional
24 Councils, they did not come from the Board.

25
26 In order for the Board to deny a recommendation from
27 the Council they got to meet three factors and they're listed
28 in ANILCA and they're listed in the manual. So being a
29 professional, they can come from any place. They have a job to
30 do. Their job is to satisfy the requirements of ANILCA. To do
31 anything different than that would jeopardize their job. And
32 we bring recommendations, whatever you guys decide to do here,
33 reaches that Board as a recommendation, and all they do is
34 approve or reject to either make it into a regulation or not to
35 make it into a regulation. But the regulation, itself, is
36 designed right here at this table, not those guys.

37
38 So you could have a Board that doesn't know anything
39 and they don't, this Board does not know anything about
40 subsistence. They don't claim to. That's not their
41 endorsement. They haven't been trained to. But they've made
42 more progress in the last seven years than we've seen in 30
43 years prior with regard to subsistence. That's my argument for
44 Option 1. Status quo is not too bad.

45
46 MS. PHILLIPS: I'm wondering about the Seward Peninsula
47 and Northwest Arctic Regional Councils and it would have been
48 helpful to see communications that they had concerning this
49 issue. And that maybe that should be where the focus should

50 be, is that the Seward Peninsula and the Northwest Arctic

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1 Regional Council are having communication problems with their
2 Federal representations and so maybe there should be more
3 liaison going on or more networking or somebody who can relate
4 to those people that sit on that Council and yet relate to
5 those people that are at the Federal level.

6
7 I was born and raised in Southeast Alaska somewhat
8 simulated, not 100 percent, but I can -- I have more of a
9 cultural understanding of where the Federal people are coming
10 from and I can adapt and I can work with the system. So what
11 it says to me is that the Seward Peninsula and Northwest Arctic
12 Regional Councils are having a hard time adapting to this
13 system and they're needing help. And they're asking us to
14 support them, and so maybe we should find a way to support
15 them.

16
17 CHAIRMAN THOMAS: We are. We are with this training
18 manual that we just discussed, by giving them a manual that's
19 easy to work with.

20
21 MS. PHILLIPS: I didn't hear you.

22
23 CHAIRMAN THOMAS: The training that we have here is
24 going to be part of the -- have we already gone over that, the
25 training manual?

26
27 MS. PHILLIPS: Well, that's a training manual in
28 English and those people are -- they tend to.....

29
30 CHAIRMAN THOMAS: I know. But you said they have a
31 hard time talking to the Board and the Board only talks
32 English.

33
34 MS. PHILLIPS: That's what I'm saying, they need
35 somebody who can network between the two so they feel like
36 they're being understood.

37
38 CHAIRMAN THOMAS: They do have that. The people they
39 send talk very good English. They got some that struggle with
40 it, we work around them. I have helped teach those guys
41 Parliamentary rules on how to run a meeting. Most of them
42 don't know how to run a meeting.

43
44 MS. PHILLIPS: Well, that's what I'm saying, it's a
45 cultural difference. They're having to come up to snuff on
46 what is expected of them to be managing.....

47
48 CHAIRMAN THOMAS: That's true.

49

MS. PHILLIPS:subsistence in their area.

0055

1 CHAIRMAN THOMAS: That's true. I'm the first one on
2 the docket. I'm region number one. I'm the first one threw
3 with my business, I could be out of there that first day, but I
4 stay the whole week to help some of those guys that have that
5 problem of communicating at the Board level. I'm their conduit
6 at this point and doing a damn good job of it.

7
8 Anybody else?

9
10 MR. NICKERSON: Mr. Chairman.

11
12 CHAIRMAN THOMAS: Jeff.

13
14 MR. NICKERSON: Yes. I was wondering does the Board
15 take action other than what comes from the Regional Councils?

16
17 CHAIRMAN THOMAS: They do on their own matters. But as
18 far as regulations, they have to listen to whatever comes from
19 here.

20
21 MR. NICKERSON: And even -- from what I was reading,
22 even if they took action, then we would have -- we would have
23 time to request for -- time to appeal, right? Even if they
24 took action that we didn't agree with?

25
26 CHAIRMAN THOMAS: We've got to the next proposal
27 period.

28
29 MR. NICKERSON: Yeah.

30
31 CHAIRMAN THOMAS: But even that's not final until the
32 Secretary signs off. Because when the Board gets done, it's
33 got to go back East to the Secretary's to sign off, and if he
34 doesn't sign it then we haven't done anything anyway.

35
36 John.

37
38 MR. VALE: Well, in my view, having been observing this
39 process since its creation, you know, I can understand the
40 desire to have more subsistence users on the Board and the fact
41 that it would bring, you know, more depth perhaps to the Board.
42 But as I've watched the system unfold over the years, you know,
43 I see a system that's working, and that's working well in my
44 mind. And you know, I'd like to echo a little bit of what Bill
45 said about the Regional Council system, you know, Title VIII
46 brought in subsistence people through the Regional Councils and
47 the advisory committee systems, and they gave them -- the
48 Regional Council's recommendation authority. And as I've seen
49 the Board take actions on proposals over the years, they've --

50 what I see them doing is implementing Title VIII as it was

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1 intended. And so I really have some difficulty believing
2 there's a need for restructuring. I think the system's working
3 well as it is. And I can understand the benefit of putting
4 another individual there to help communicate those concerns
5 from the rural area, but I guess, you know, my view right now
6 is the system's working and it's working great. You know, I
7 see the decisions being made pretty much in totally in
8 compliance with what was intended in ANILCA and that's what
9 we're here for. So that's my view.

10
11 CHAIRMAN THOMAS: When you folks were recruited to
12 serve on this Council, you were given a questionnaire that gave
13 the government a chance to find out quite a bit about you.
14 What is your technical expertise? What is your cultural
15 expertise? Where did you grow up? How did you use the
16 resource? Are you familiar with other facets of subsistence?
17 Do you have any idea about logging, buffer zones and all that.
18 They ask you quite a few questions, and so everybody here is
19 really very knowledgeable in those areas. There isn't another
20 system that will give this process better input, more qualified
21 input than what they're getting now. I mean you guys are it.
22 You guys are the experts. That's what they tell us at the
23 Board meeting. If it wasn't for the Councils, we wouldn't have
24 anything to offer. They take everything they get from the
25 Councils, that's contrary to anything anybody has ever done
26 before. So you guys should feel good about yourself, because
27 everything that you decide to do at these meetings generally
28 get adopted at the Board level. I can't think of an instance
29 when they haven't.

30
31 Anymore comments? Marilyn.

32
33 MS. WILSON: Mr. Chairman, a lot of us were on the
34 State Board or State advisory committees in our communities and
35 some of us went to the State Regional Councils, and I think
36 we're kind of shell-shocked from that system. And I think our
37 Council maybe right now should look ahead for the next 10 or 20
38 years because we might be in this system for that long, and we
39 should bring up a possible scenario about what might happen
40 maybe with different members that are on the Federal Board, and
41 what would happen if we voted in -- well, the presidents or the
42 Chairmans of each Council that attends the Board meetings, if
43 the Council chairmans voted for one person to be on the Federal
44 Subsistence Board, would that create a problem later on for us
45 as a Council and for the people that -- I just kind of am
46 afraid there might be a conflict of interest. But it seems
47 like we should think ahead a little bit more. And I'm almost
48 for the second option myself, I feel like Gabe does. And it
49 seems like we should bring this to a vote.

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1 CHAIRMAN THOMAS: Okay, you guys want to take some
2 action on it now or do you want to break for dinner? They're
3 asking us to break for dinner pretty soon. Do you want to do
4 something with this tonight? Is there any objection to
5 breaking for dinner? You're objecting to breaking for dinner?
6 Okay, Fred.

7
8 MR. CLARK: Before you do break for dinner, I just want
9 to let the Council know that I'm available this evening if
10 anybody wants to work on stuff for like the '97 annual report
11 or if you want to draft up some letters to present to the
12 Council tomorrow or.....

13
14 CHAIRMAN THOMAS: Resolutions.

15
16 MR. CLARK: Resolutions, motions.....

17
18 CHAIRMAN THOMAS: Dear John's. I'm just kidding.
19 Okay, we will now take a break for dinner. We will reconvene
20 in 20 minutes.

21
22 MS. McCONNELL: Are we reconvening tonight?

23
24 CHAIRMAN THOMAS: We're recessing until tomorrow
25 morning.

26
27 (Hearing recessed)

28
29 * * * * *